

Council Communication

Department: Health Dept. Case/Project No. Applicant.	Ordinance No. <u>6041</u>	First Reading: Aug. 10, 2009 Second Reading Third Reading _____
Subject/Title		
<p>AN ORDINANCE to amend Chapter 4.21 "Urban Deer Management Program" of the 2005 Municipal Code by amending Section 4.21.020 "Hunting regulations", to include areas designated as R1, R2, and R3 on private property totaling three (3) acres or more; and by enacting a new Section 4.21.025 "Feeding prohibited".</p>		
Background/Discussion		
<ul style="list-style-type: none">• The population of white tailed deer in Council Bluffs has grown to a number that has created nuisance and safety concerns as it relates to the destruction/damage to personal property.• The city implemented the Urban Deer Management Program last year (2008).• 43 antlerless deer were taken with the program from areas designated A1 and A2.• 29 bow hunters passed the proficiency test.• It is the opinion of the Health Department that the Urban Deer Management Program is an effective tool in reducing the number of deer in our community and are proposing to expand the areas of hunting to areas designated R1, R2 and R3 on private property totaling three (3) acres or more.• At the request of the City Council, an ordinance prohibiting the recreational feeding of deer.		
Recommendation		
<p>Amend Ordinance 4.21 to include areas designated R1, R2, and R3 on private property totaling three (3) acres or more.</p> <p>Pass the ordinance prohibiting recreational feeding of deer within the city.</p>		

Donn Dierks
Department Head Signature

Mayor Signature

ORDINANCE NO. 6041

AN ORDINANCE to amend Chapter 4.21 “Urban Deer Management Program” of the 2005 Municipal Code by amending Section 4.21.020 “Hunting regulations”, to include areas designated as R1, R2, and R3 on private property totaling three (3) acres or more; and by enacting a new Section 4.21.025 “Feeding prohibited”.

PREAMBLE: Recreational feeding of deer often causes deer concentrations which develop into depredation and other public safety problems. Depredation of garden crops and landscaping plants is increasing as deer habitat decreases and deer populations increase within particular areas and neighborhoods in the City. Woodland plant communities within the City where deer concentrations are high are deteriorating as a result of those high deer populations. High deer populations are resulting in increased car/deer crashes within the community, causing public safety concerns and negative economic impacts such as increased car insurance premium costs. The intent of the City Council is not to unreasonably infringe upon the recreational enjoyment of City residents who observe wildlife and enhance wildlife habitat on their property. However, the purpose of this artificial feeding ban is to eliminate these deer attractions which, when combined with other management strategies, should reduce, over time, the depredation impacts to adjacent residents, as well as the safety of the traveling public on city streets and thoroughfares.

If any provision of this ordinance is in conflict with the provisions set forth in Section 8.74.010 “Discharge of firearms in city limits”, the provisions of this ordinance shall prevail.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. Chapter 4.21 “Urban Deer Management Program” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 4.21.020

“Hunting regulations” and enacting a new Section 4.21.020 “Hunting regulations”, to read as follows:

4.21.020 Hunting regulations. (a) Licensed bow hunters meeting the requirements established by the Iowa Department of Natural Resources (DNR) may hunt antlerless deer within the areas designated A1 or A2 on public or private property, and areas designated R1, R2, and R3 on private property totaling three (3) acres or more, under all of the following conditions:

1) Hunting may occur only on dates designated by DNR as bow-hunting season in the areas designated R1, R2, R3 on private property totaling three (3) acres or more, A1 or A2 by persons who are at least eighteen years of age and licensed for such hunting, and this license must be carried on his/her person;

2) Hunters must have written permission from the property owner, and must carry that written permission form on his/her person, and the portion of the Council Bluffs zoning map which verifies that the property is within the R1, R2, R3 on private property totaling three (3) acres or more, A1 or A2 zone;

3) Hunters cannot carry an uncased bow within 500 feet of any residence or within 150 feet of any city improved trail, road or building;

4) Hunters must take all shots from an elevated stand and shoot no further than 25 yards;

5) Hunters must comply with all Iowa DNR rules for hunting within the corporate limits of Council Bluffs; and

6) Hunters must participate in a bow hunter safety education course certification and an annual archery proficiency test certification; and

7) Hunters must take all deer meat to be processed or given to charity.

(b) Licensed bow hunters meeting the requirements established by the DNR may hunt antlered deer within the areas designated as A1 or A2 on public or private property and areas designated R1, R2, and R3 on private property totaling three (3) acres or more, under all of the following conditions:

1) All conditions set forth in Section 4.21.020(a)(1) through (a)(7).

2) A limited number of antlered deer may be taken according to an incentive program that may be adopted by the Council Bluffs Deer Task Force and approved by the DNR.

SECTION 2. Chapter 4.21 “Urban Deer Management Program” of the 2005 Municipal Code

of Council Bluffs, Iowa, be and the same is hereby amended by enacting a new Section 4.21.025

“Feeding prohibited”, to read as follows:

4.21.025 Feeding prohibited. (a) No person shall place or permit to be placed on the ground, or within five (5) feet of the ground surface, any grain, fodder, salt licks, fruit or vegetables, nuts, hay or other edible materials, which may reasonably be expected to intentionally result in deer feeding, unless items are screened or protected in a manner that prevents deer from feeding on them. Living fruit trees and vegetation shall be not considered as deer feeding.

(b) Exceptions. This prohibition shall not apply to:

1) Veterinarians, city animal control officers, county, state or federal game officials who are in the course of their duties, have deer in custody or under their management.

2) Persons authorized by the city of Council Bluffs to implement the deer management program approved by the City Council.

3) Any food placed upon the property for purposes of trapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the Iowa Department of Natural Resources.

4) Persons feeding birds using self-enclosed feeding devices or containers.

5) The use of straw, hay or straw-related materials for erosion control, mulching, gardening or other landscape purposes.

(c) Enforcement. The Council Bluffs Health Director and the Council Bluffs Police Chief, or the Mayor's designee, shall enforce the provisions of this ordinance."

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 6008, Section 1 (part), 2008.

SECTION 4. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED

August 10, 2009

THOMAS P. HANAFAN Mayor

Attest: _____
MARCIA L. WORDEN Acting City Clerk

First Consideration: 8/10/09
Second Consideration: 8/24/09
Public Hearing: None
Third Consideration: _____

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: _____
Applicant: _____

Ordinance No. 6036
Resolution No. _____

First Reading
Second Reading

July 27, 2009
Aug. 10, 2009

SUBJECT/TITLE

Consideration of:

- 1). a resolution authorizing the Mayor to execute an agreement with Redflex Traffic Systems Inc., for services associated with the Automated Red Light Enforcement Program.
- 2). a resolution expanding the red light photo enforcement program to 6 additional approaches.
- 3). amending Ordinance 9.16.055 Automated Red Light Enforcement.

BACKGROUND/DISCUSSION

- The city implemented the red light photo enforcement program almost four years ago (August, 2005).
- The first year of operation covered only 11 months with 10,095 tickets issued. Years two and three showed 10,416 and 10,013 tickets issued respectively. This last year of operation is on track to hit about 8,000 tickets.
- It is the opinion of the Police, Public Works, and Legal Departments that the cameras are an effective tool in reducing red light running and improving safety. Statistically the numbers are mixed.
- The Departments recommend not only a continuation of the program but an expansion of locations as well.
- Currently the City has seven approaches:
 - 7th Street and Willow Avenue (Southbound)
 - 8th and Broadway (Eastbound)
 - 8th and Broadway (Westbound)
 - 16th and Broadway (Eastbound)
 - 16th and Broadway (Westbound)
 - 21st and Broadway (Westbound)
 - 35th and Broadway (Eastbound)
- Proposed additional locations are:
 - South Expressway and 30th Avenue (Eastbound)
 - South Expressway and 30th Avenue (Northbound)
 - Kanesville Blvd. and Harrison St. (Eastbound)
 - Kanesville Blvd. and Harrison St. (Westbound)
 - 25th and Broadway (Eastbound)
 - 25th and Broadway (Westbound)

These intersections were selected based on accident history and observed problems with red light running.

- Redflex has performed very well in providing the photo enforcement service. For this reason a new contract is proposed. This contract provides for similar terms to the existing contract.
- The proposed contract is for 7 years (the existing is for 5 years).
The existing fee paid to Reflex is tiered at:

\$50	citations 01-119	paid per month per approach
\$40	citations 120-209	paid per month per approach
\$30	citations 210 +	paid per month per approach

The proposed fee structure is:

\$48	citations 0-100	paid per month per approach
\$40	citations 101-200	paid per month per approach
\$32	citations 201 +	paid per month per approach

- Currently the penalty assessed by the city for automated enforcement of a red light violation is \$65. At the time the program was initiated four years ago this matched the state penalty. Since then the state has increased the penalty twice and currently is \$106 including all court costs and fees.
- Proposed is an ordinance amendment that sets the photo detected red light violation penalty to match whatever the Iowa Code sets for running a red light.

RECOMMENDATION

In summary the Automated Red Light Enforcement Program has been an effective tool in reducing accidents and improving safety. Recommended is approval of

- (1) Resolution approving a seven year agreement with Redflex for the automated red light enforcement program.
- (2) Resolution approving 6 additional approaches for red light photo enforcement.
- (3) Amending Ordinance 9.16.055 changing the civil penalty for violation of automated red light enforcement to equal that set by Iowa Code for failing to obey a red light traffic signal.

ORDINANCE NO. 6036

AN ORDINANCE to amend Chapter 9.16 “Signs and Signals” of the 2000 Municipal Code of Council Bluffs, Iowa, by amending Section 9.16.055 “Automated red light enforcement” to amend the fine to the current schedule fine, including all surcharges and costs, as set by the Iowa Code.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 9.16 “Signs and signals” of the 2000 Municipal Code of Council

Bluffs, Iowa, be and the same is hereby amended by amending Section 9.16.055 “Automated red light enforcement”, to read as follows:

“9.16.055 Automated red light enforcement. (a) General. The city of Council Bluffs, in accordance with the police powers authorized it by the state of Iowa for governing safe traffic flow, may erect or cause to have erected an automated traffic enforcement system for making photographs, video, or digital images of vehicles that fail to obey red light traffic signals at intersections designated by the mayor or his/her designee. The system may be managed by the private contractor that owns and operates the requisite equipment with supervisory control vested in the city’s police department. Photographs, video, or digital images shall be provided to the police department by the contractor for review. The police department will determine which vehicle owners are in violation of the city’s red light ordinance and are to receive a notice of violation for the offense.

(b) Definitions.

(1) “Automated traffic enforcement system” shall mean an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control.

(2) “Vehicle owner” shall mean the person or entity identified by the Iowa Department of Transportation, or registered with any other state vehicle registration office, as the registered owner of a vehicle.

(c) Offense.

(1) The vehicle owner shall be liable for a fine as imposed below if such vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle’s direction is emitting a steady red light or red arrow.

(2) The violation may be rebutted by a showing that a stolen vehicle report was made on the vehicle encompassing the period in question.

(3) The citation will in no event be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the vehicle owner’s driving record.

(d) Penalty and Appeal.

(1) Any violation of subsection (c)(1) ~~above shall be considered a notice of violation for which a civil fine of sixty-five dollars (\$65.00) shall be imposed, payable as directed on the citation.~~ shall be considered a civil violation for which a civil penalty equal to the current scheduled fine, including all surcharges and costs, as set by the Iowa Code for failing to obey a red light traffic signal shall be imposed, payable as directed on the citation.

(2) A recipient of an automated red light citation may dispute the citation by requesting an issuance of municipal infraction citation by the police department. Such request will result in a required court appearance by the recipient and in the scheduling of a trial before a judge or magistrate at the Pottawattamie County Courthouse. The issuance of a municipal infraction citation will cause the imposition of state mandated court costs to be added to the amount of the violation.

(3) If a recipient of an automated right light citation does not pay the fine by the stated due date or request a trial before a judge or magistrate, a municipal infraction will be issued to the recipient by certified mail from the police department. Said municipal infraction will result in a mandatory court appearance by the recipient as well as imposition of stated mandated court costs.”

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5870, Section 1 (2005).

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED AND APPROVED _____, 2009

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN Acting City Clerk

First Consideration: July 13, 2009
Second Consideration: July 27, 2009
Public Hearing: None required
Third Consideration:

Council Communication

Department: Legal	Ordinance No. Resolution No. <u>6040</u>	First Reading July 27, 2009 Second Reading Aug. 10, 2009 Third Reading _____
Case/Project No.		
Applicant.		
SUBJECT/TITLE		
Ordinance amending Section 3.08.045 to include areas zoned C-3, and to allow amplified music between the hours of 12:00 p.m. and 10:00 p.m.		
BACKGROUND		
An ordinance is being proposed that would amend Section 3.08.045 to allow open air dining in areas zoned C-3 that meet all other requirements set forth in the section. The proposed amendment would also allow amplified music between the hours of 12:00 and 10:00 p.m. This change is being requested to accommodate a new business that will be located at 805 S. Main Street.		
RECOMMENDATION		
Approve the ordinance as proposed.		

Richard Wade

Department Head Signature

Mayor Signature

ORDINANCE NO. 6040

AN ORDINANCE to amend Chapter 3.08 “Beer and Liquor Control” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 3.08.045 “Exceptions to Section 3.08.040(5)”, to include areas zoned as C-3, and to allow amplified music between the hours of 12:00 p.m. and 10:00 p.m.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 3.08 “Beer and Liquor Control” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 3.08.045 “Exceptions to Section 3.08.040(5)”, to read as follows:

“3.08.045 Exceptions to Section 3.08.040(5). (a) Open-air Dining—Exception. If an applicant can establish that approximately fifty (50) percent of its gross revenues are derived, or are likely to be derived from the sale of nonalcoholic food items, and if the establishment is or is to be located in an area zoned C-4, C-3, or in an area zoned C-2 and is not within fifty (50) feet of a residential zone, or a nonresidential area other than C-4 or C-2, and is not within three hundred (300) feet of a residential use or zone. The restrictions established in Section 3.08.040(5) of this chapter, need not apply to the entire premises if the conditions listed above are met. For that portion of the premises which the applicant wishes to exclude from such restrictions, the following restrictions must be complied with:

- (1) It must be so enclosed so that it may only be entered from that portion of the premises which is in compliance with Section 3.08.040(5) of this chapter.
- (2) All exits from such area shall be for emergency use only and shall be equipped with the appropriate hardware to ensure such limited use.
- (3) No amplified music shall be permitted in such area before 12:00 p.m. or after 10:00 p.m..
- (4) No live dancing, such as go-go dancing, strip tease acts or exotic dancing shall be permitted in such area.
- (5) Such area must be approved by the health department for open-air dining.
- (6) Outdoor dining facilities in C-2 zones shall not allow alcohol sales or consumption in their outdoor areas between the hours of twelve midnight and six a.m.

(7) If the application is for an establishment in a C-2 zone, the applicant shall have the duty to notify all property owners within three hundred (300) feet of the premises to be licensed. This notice shall be given in the following fashion: (A) applicant shall establish a list of parties to be notified through utilization of the records of the county auditor; (B) applicant shall prepare envelopes addressed to each of the parties identified in subsection (a)(7)(A) of this section, with the appropriate postage for certified delivery affixed thereto; (C) applicant shall prepare a notice for each of such property owners, advising of the nature of the action which is being sought, including the date it is to be acted upon by the city council; (D) applicant shall deliver all of the above to the city clerk at least ten (10) days prior to the date at which the action is proposed to be taken; (E) it shall be the duty of the city clerk to insert the notices into the envelopes and deliver same to the post office within forty-eight (48) hours of receipt.

(b) Golf-courses—Exception. The restrictions established in Section 3.08.040(5) of this chapter shall not apply to golf courses consisting of fifteen (15) acres or more.

(c) Stadium-type Activities—Exception. For the purpose of this section, a stadium-type activity is a sporting event to which there is controlled access and paid admission. It shall only be permitted in areas zoned nonresidential and shall not be permitted within three hundred (300) feet of a residential use or zone. The restrictions established in Section 3.08.040(5) of this chapter, need not apply to the entire premises if the conditions listed above are met. For that portion of the premises which the applicant wishes to exclude from such restrictions, the following restrictions must be complied with:

(1) It must be enclosed by a fence or a wall at least six feet high.

(2) It must be enclosed so that it may only be entered from that portion of the premises which is in compliance with Section 3.08.040(5) of this chapter.

(3) All exits from such area shall be for emergency use only and shall be equipped with the appropriate hardware to ensure such limited use.

(4) No amplified music shall be permitted in such area.

(5) No live dancing, such as go-go dancing, strip tease acts or exotic dancing shall be permitted in such area.

(d) Special Events—Exception. The restrictions established in Section 3.08.040(5) of this chapter shall not apply to special events as long as they are not held within five hundred (500) feet of a residential use. For purposes of this exception, a special event shall last a maximum of seventy-two (72) hours, and the applicant and location shall only be permitted this exception once annually. This special event exception shall only be permitted if the following restrictions are satisfied:

(1) The applicant has developed a plan to address crowd and traffic control at the special event which has been approved by the chief of police. This approval shall not be

unreasonably denied and, if an applicant's plan is denied, he/she may appeal such denial to the city council by filing with the city clerk a written notice of appeal within ten (10) days of the chief's denial of such plan;

(2) The applicant has developed a plan to comply with state and city health codes which has been approved by the city's director of public health. This approval shall not be unreasonably denied and, if an applicant's plan is denied, he/she may appeal such denial to the city council, as long as notice of such appeal is presented in writing to the city clerk within ten (10) days of the date upon which the director denied such plan;

(3) Premises authorized under this exception shall not be permitted to operate between the hours of twelve midnight and six a.m.;

(4) Applicant's failure to abide by any of these restrictions and the plans approved herein or any other city or state law governing the sale and/or dispensing of alcoholic beverages shall be grounds for the immediate cessation of a special event exception.

(e) PC and A-3—Exception. The restrictions established in Section 3.08.040(5) of this chapter shall not apply to liquor license establishments which are located in either a PC or an A-3 zone as long as the following criteria have been met:

(1) The licensed premises is not within five hundred (500) feet of a residential zone.

(2) Access to the licensed premises is restricted.

(f) For purposes of this section, when determining the distance from a residential use or zone, it will be measured from the property line of the residential use or zone to the actual licensed premises.

(g) For purposes of this section, nonresidential zones shall include those zones for which a residential dwelling is not a principal use.

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. (Ord. 5882 § 1, 2006).

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED July 27, 2009

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN Acting City Clerk

First Consideration: July 27, 2009
Second Consideration: August 10, 2009
Public Hearing:
Third Consideration

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading: July 27, 2009
Case/Project No.: FY10-06A Resolution No. 09-219 Postponed to: August 10, 2009
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Consideration of a resolution authorizing the Mayor to execute an agreement with Iowa Department of Transportation for the 29th Avenue Sanitary Sewer Relocation project. IDOT Agreement # U-2009-11238 designated as IDOT Project #IMN-029-3-(65)54-0E-78 (Row) and #IM-029-3(67)52-13-78 (Construction). Project #FY10-06A.

BACKGROUND/DISCUSSION

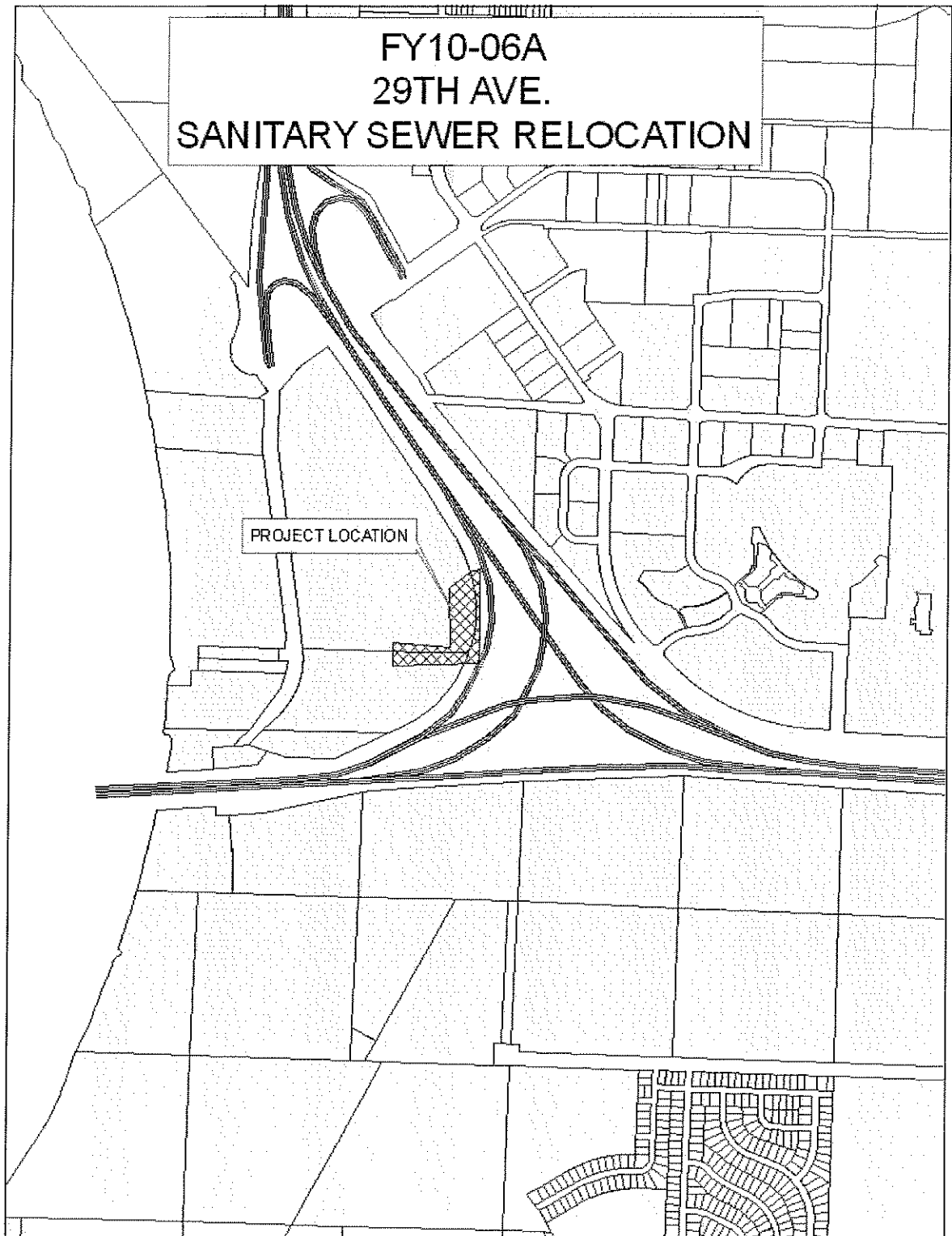
- IDOT is moving forward to complete southbound Interstate 29 to westbound Interstate 80 ramp improvements in fall 2010.
- New IDOT ramp embankment requires existing city sanitary sewer be extended beyond the improvement and replaced outside the improvement per IDOT requirements.
- The project requires 140 LF of extension and 210 LF of sewer relocation. Removal and replacement of sewer gatewell through levee is also part of the project. Levee relocation efforts will be within IDOT embankment project.
- This agreement outlines the responsibilities of IDOT and the City for city sanitary sewer relocation reimbursement for the west system interchange improvements.
- The initial cost of the project, estimated at \$1,441,000 would be funded by the city. IDOT will reimburse the city 97% or \$1,398,000 of the cost. The City's \$43,000 share of the project will be funded with sales tax.
- Project requires easement swap per agreement. City vacation of existing easement will be handled under separate resolution to council upon receipt of new easement from IDOT.
- This project is FY10-06A in the CIP and is programmed for construction completion July, 2010.

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

FY10-06A
29TH AVE.
SANITARY SEWER RELOCATION





Iowa Department of Transportation

AGREEMENT

Agreement No. U-2009-11238

IT IS AGREED, by and between the State of Iowa, Iowa Department of Transportation, Highway Division (hereafter DOT), and City of Council Bluffs, a municipal corporation, with offices in Council Bluffs, Iowa, (hereafter CITY) as follows:

1. The DOT shall proceed with proposed highway improvements on Interstates 29 and 80 in accord with its plans and specifications, which the DOT has designated as Project IMN-029-3(65)54-0E-78 (ROW) IM-029-3(67)52-13-78 (CONST). The plans and specifications are made a part of this agreement.
2. Sanitary sewer facilities owned and operated by the CITY located on its own easements upon privately owned land affected by the project shall be abandoned/removed and adjusted in accordance with attached Exhibit "A".
3. CITY easements upon land affected by the project shall be conveyed to the State of Iowa without additional expense to the project other than the relocation or adjustment costs contemplated under this agreement.
4. The total estimated cost occasioned by the project in relocating CITY facilities and DOT participation in such costs is shown on attached Exhibit "B" \$1,440,990.00.
5. The CITY agrees to perform the work specified in relocating its facilities, and further certifies:
 - a. It is financially capable of performing the work prior to being reimbursed;
 - b. The work shall be done by qualified, properly trained and experienced personnel;
 - c. The work shall be done within the prescribed time to meet the project construction schedule;
 - d. It is aware of all applicable work requirements and administrative rules imposed by the Federal Highway Administration and Iowa DOT.
6. This agreement is subject to the following provisions which are incorporated by reference as a part of this agreement: 1) The provisions of the Federal Aid Policy Guide 23 CFR 645, Subparts A and B, dated November 22, 2000, and any amendments thereto; 2) the provisions of the Iowa DOT Highway Division "Utility Accommodation Policy", revised and adopted 2005; 3) all other applicable state or federal laws, regulations, or directives and any amendments thereto.
7. In accordance with the 2005 Utility Accommodation Policy, this Agreement by itself does not constitute a permit nor does it grant permission to occupy the primary highway right of way. Where facilities are to be located on or across the right of way, the CITY is responsible for obtaining a permit from the DOT Engineering Operations Technician prior to commencing work within the right of way.
8. The CITY hereby acknowledges receipt of notice and waives further notice required by law.

Iowa Department of Transportation

9. Upon execution of this agreement CITY will proceed with reasonable promptness to solicit bids for the work. Upon receipt of written authorization by the DOT to proceed the CITY agrees to commence removal of its facilities and to make the necessary adjustments and relocations. Notice to proceed will be given by the DOT coincident with review of a contract award proposal for the work and a tabulation of bids furnished by the CITY.
10. The CITY shall proceed to relocate its facilities in a satisfactory manner that will not interfere with the highway project. The CITY shall notify the DOT Resident Construction Engineer of the date on which CITY work begins in the project area and of the anticipated completion date. It will also inform the DOT when each phase of the work is actually completed.
11. Work and operations to be done by the CITY consist of the following phases:
 - a. Engineering for the work proposed at the preliminary and construction stages;
 - b. Removal/abandonment and adjusting of sanitary sewer facilities crossing Interstate 29 at approximately station number 9491.
 - c. Work will begin approximately August 1, 2009, weather permitting.
 - d. Work duration will be approximately ten months, weather permitting.
 - e. Work completion will occur approximately July 1, 2010, weather permitting.
12. All work performed pursuant to this agreement shall comply with Title 49-C.F.R.-Transportation-Part 21-Nondiscrimination in Federally Assisted Programs of the Department of Transportation.
13. The CITY shall initially pay all costs for its work occasioned by the project and upon completion, the CITY shall provide the DOT with an itemized statement of such costs in accordance with Federal Aid Policy Guide 23 CFR 645A and as required by the DOT, specifying all costs which are reimbursable. Said statement shall specify the highway project number and the DOT approval date of this agreement. CITY accounting shall follow the accounting procedure prescribed by state and federal regulations.
14. Upon satisfactory completion of the work and upon receipt and approval of the itemized statement from the CITY, the DOT shall initially pay the CITY for all eligible costs. This amount shall not exceed ninety-seven percent (97%) of either (1) the reimbursable amount claimed, or (2) \$1,440,990.00 whichever is less.
15. Without further compensation other than performance by the DOT of its obligations hereunder, the CITY shall execute and deliver to the DOT, on forms supplied by the DOT, a Disclaimer of Interest in Realty in and to all right of way acquired by the DOT for said project.
16. After further audit by the DOT, a final payment shall be made to the CITY equal to the difference between the total eligible costs and the amount previously reimbursed. In the event justifiable audit exceptions result in overpayment through prior reimbursements, the CITY will promptly refund to the DOT any overpayment previously made.

Iowa Department of Transportation

17. The CITY and its contractors or subcontractors where applicable, shall maintain all books, documents, accounting records, supporting cost proposals, and other evidence pertaining to costs incurred and make such material available at their respective offices at all reasonable times during the period of this agreement and for three years from the date of final payment under this agreement for inspection by the DOT, Federal Highway Administration, or any authorized representative of the federal government and copies thereof shall be furnished if requested.
18. Future construction, repair, replacement, or maintenance of the CITY's facilities within highway right of way shall be performed by the CITY in accordance with the Iowa Department of Transportation's Utility Accommodation Policy, as revised and adopted in 2005, and with any revisions or supplements subsequently issued thereto.
19. If difficulties or delays arise which, in the opinion of the DOT, make it impractical to proceed with the proposed highway improvement, the DOT may cancel this agreement by written notification to the CITY and this agreement shall become null and void, provided such notification is given prior to advisement by the DOT to proceed with the project work.
20. If any clause herein is declared invalid, it shall not void the entire agreement.
21. This agreement may be executed and delivered in two or more counterparts, each of which so executed and delivered shall be deemed to be an original.

Iowa Department of Transportation

IN WITNESS WHEREOF the Parties hereto have caused this agreement to be executed by their duly authorized officers on the dates below indicated.

Executed by the CITY this _____ day of _____, 2009

CITY OF COUNCIL BLUFFS, IOWA

By _____
(Print Name/Title)

State of _____

ss

County of _____

This instrument was acknowledged before me on this _____ day of _____, 2009,
by _____, as _____ of _____,
(Name) (Title) (CITY)

Notary Public in and for said State

Executed by the Iowa Department of Transportation this _____ day of _____, 2009

STATE OF IOWA
IOWA DEPARTMENT OF TRANSPORTATION

By _____
Charlie Purcell, Director
Office of Local Systems

State of Iowa

ss

County of Story

This instrument was acknowledged before me on this _____ day of _____, 2009,
by Charlie Purcell, as Director, Office of Local Systems of the Iowa Department of Transportation.
(Name) (Title)

Notary Public in and for said State

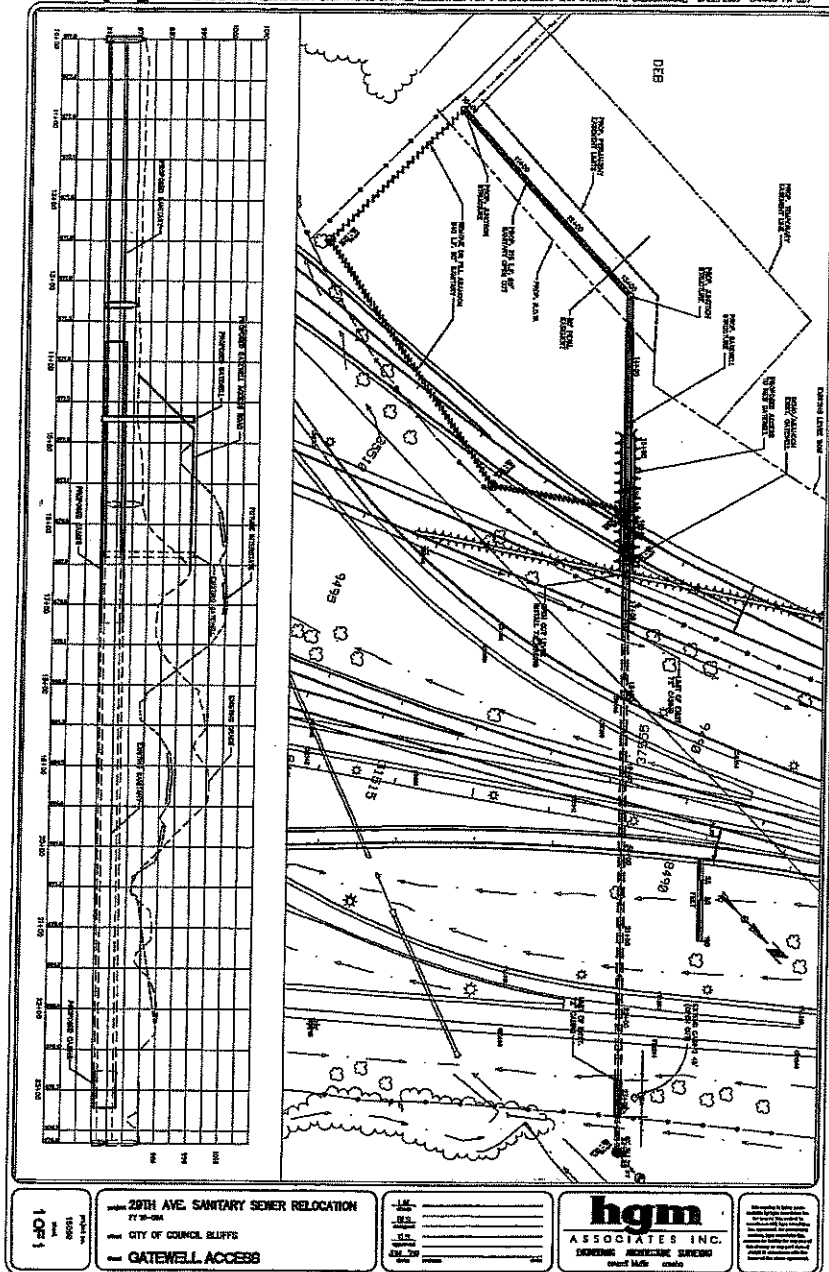


EXHIBIT A
 SHEET 2 OF 2

ENGINEER'S PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST

29th Avenue Outfall Relocation

for I-80/I-29 Reconstruction

Segment 2

City of Council Bluffs, Iowa

City Project No. FY 10-06A

HCM Project No. 15099

June 18, 2009

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL AMOUNT
1.	Traffic Control	1.00 LS	\$10,000.00	\$10,000.00
East Side				
2.	Extend 72" Casing on 60" Sewer to ROW	45.00 LF	\$800.00	\$36,000.00
3.	Dewatering	45.00 LF	\$100.00	4,500.00
West Side				
4.	Dewatering	710.00 LF	\$50.00	\$35,500.00
5.	By-pass Pumping	1.00 LS	100,000.00	100,000.00
6.	Extend 72" Casing to Old Gatewell	140.00 LF	800.00	112,000.00
7.	Demolition of Old Gatewell	1.00 LS	10,000.00	10,000.00
8.	Construct New Gatewell Structure and Appurtenances	1.00 LS	250,000.00	250,000.00
9.	Construct Portion of Relocated Levee Access to New Gatewell	12,000.00 CY	15.00	180,000.00
10.	Open Cut 60" Sewer with 72" Casing	210.00 LF	600.00	126,000.00
11.	Open Cut 60" Sewer	360.00 LF	400.00	144,000.00
12.	Sewer Junction Structure	2.00 EA	15,000.00	30,000.00
13.	Remove / Abandon Old 60" Sewer	735.00 LF	40.00	29,400.00
Subtotal:				\$1,067,400.00
Contingency (20%):				\$213,480.00
Subtotal:				\$1,280,880.00
Design and Construction Engineering (15%):				\$160,110.00
TOTAL:				\$1,440,990.00

g:\info\2009\bluffs\15099\cost\06a\06a.xls

EXHIBIT-B

RESOLUTION
NO 09-219

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
WITH IOWA DEPARTMENT OF TRANSPORTATION FOR THE 29TH AVENUE
SANITARY SEWER RELOCATION PROJECT. IDOT AGREEMENT NO.
U-2009-11238 DESIGNATED AS IDOT PROJECT NO. IMN-029-3-(65)54-0E-78 (ROW)
AND NO. IM-029-3(67)52-13-78 (CONSTRUCTION) FY10-06A**

- WHEREAS, the city to make improvements known as
 29th Avenue Sanitary Sewer Relocation, within the city,
 as therein described; and
- WHEREAS, IDOT has submitted an agreement to provide reimbursement
 for the work necessary for said improvements; and
- WHEREAS, the city council deems approval of said agreement to be
 in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with Iowa Department of Transportation for 29th Avenue Sanitary Sewer Relocation.

ADOPTED
AND
APPROVED

August 10, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Council Communication

Department: Community Development	Ordinance No.: N/A Resolution No.: 09 -236	City Council: 8-10-09 Public Hearing: 8/10/09
Case/Project No.: N/A		
Subject/Title		
River's Edge site grading and storm water outfall improvements		
Location		
West portion of existing Playland Park		
Background/Discussion		
<u>Background</u> The City has been planning for the redevelopment of Playland Park and the development of the Missouri riverfront for the past several years. Sufficient funding as been secured to initiate the project. The first phase will include the installation of a trunk storm sewer system along the I-480 through the Missouri River levee and discharging to the Missouri River. This phase would also include demolition of the western 2/3 of Playland Park and adding fill dirt. With the exception of the ball field, one shelter and an unpaved parking lot, the existing park will continue to remain in use. Further, the work is consistent with the Playland Park Master Plan and will be coordinated with the proposed pedestrian bridge landing improvements and river front development concepts being developed by Sasaki.		
<u>Discussion</u> The storm sewer outfall replacement increases capacity to better serve the development site and surrounding area. The outfall will replace the existing outfall structure in the Missouri River Levee. The public infrastructures will be designed, installed and inspected under the City's supervision. On July 13, 2009, a public hearing was held and City Council approved the plans, specifications and form of contract. Bids from interested contractors are due on August 4, 2009. At that time, staff will update the staff report and resolution for City Council Consideration. The engineer's estimate is \$1,813,418.00. After reviewing and verifying the bids, _____ was determined to be the low bidder. This project has an estimated start date of September 1, 2009 and should be completed by September 4, 2009. It is anticipated that existing project fund balances and project revenues will be sufficient to pay for project costs.		
Engineering Recommendation		
HDR Engineering, Inc. has reviewed and tabulated the bids received for this project. They recommend award of the contract to _____.		
Staff Recommendation		
The Community Development Department recommends acceptance of the bid from _____ in the amount of \$ _____ for the River's Edge grading and storm sewer outfall improvements.		

Submitted by: Rose Brown, Urban Planner, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 09-236

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH _____ FOR RIVER'S EDGE SITE GRADING AND STORM SEWER OUTFALL IMPROVEMENT PROJECT.

- WHEREAS,** the City wishes to make improvements known as the River's Edge Site Grading and Storm Sewer Outfall Project—Improvements within the City, as therein described; and
- WHEREAS,** this project will involve street site grading of the west 2/3 of Playland Park and the construction of a storm sewer outfall through the Missouri River Levee; and
- WHEREAS,** such improvements are required to accommodate the further development of the area; and
- WHEREAS,** the plans, specifications and form of contract for the street improvements are on file in the office of the City Clerk; and
- WHEREAS,** a Notice of Public Hearing was published as required by law and a public hearing was held on July 13, 2009 and the plans, specifications and form of contract were approved; and
- WHEREAS,** _____ has submitted a low bid in the amount of \$_____ for this contract.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the bid from _____ in the amount of \$_____ is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the River's Edge Site Grading and Storm Sewer Outfall Project; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered and directed to execute an agreement with _____ for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED
AND
APPROVED:

August 10, 2009

Thomas P. Hanafan Mayor

ATTEST: _____
Marcia L. Worden Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading August 10, 2009

Case/Project No.: _____

Resolution No. 09-237

Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

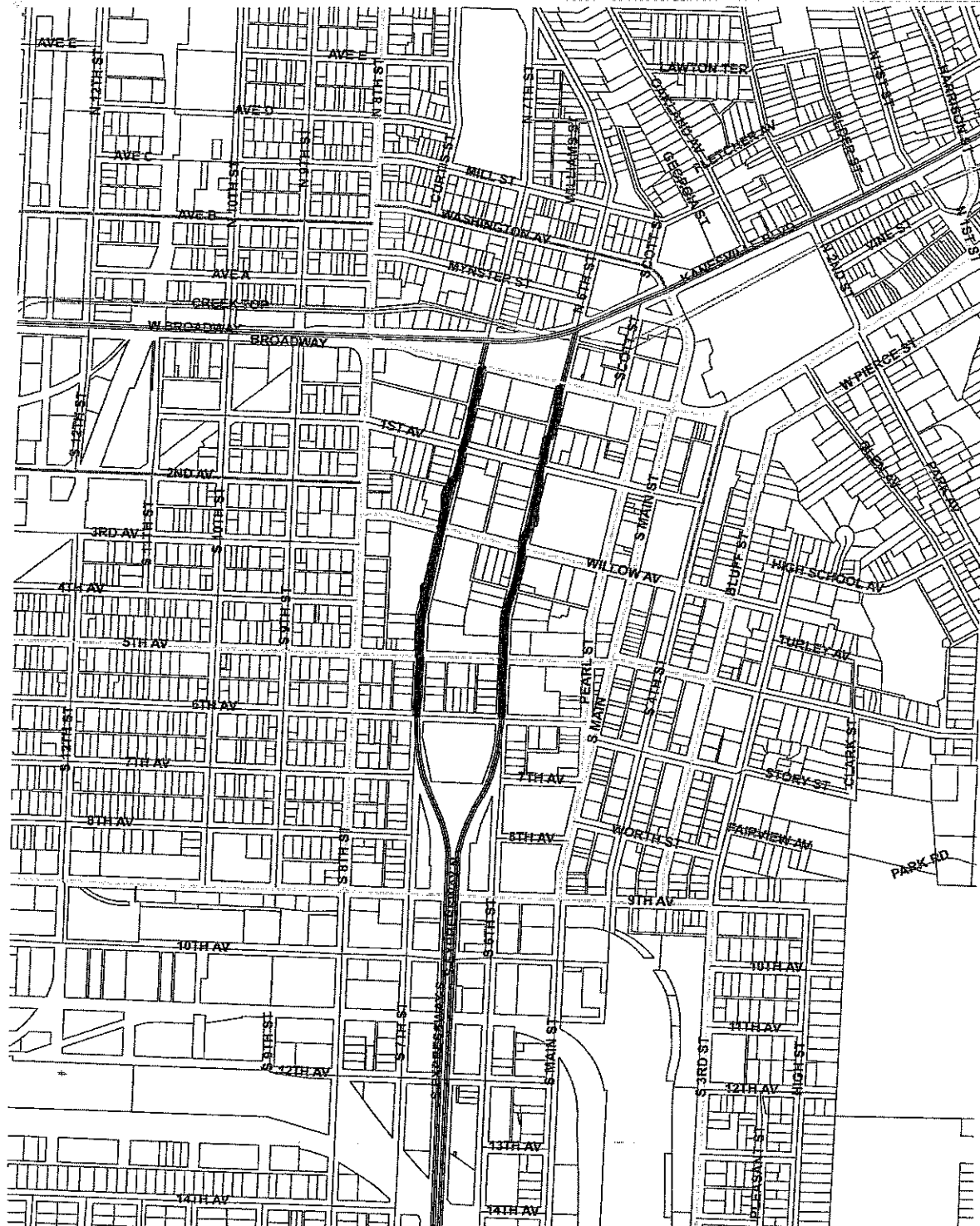
Consideration of a resolution authorizing the Mayor to execute an agreement with Iowa Department of Transportation for Project No. MP-192-4(702)-76-78 for Resurfacing of South 6th and So. 7th Streets.

BACKGROUND/DISCUSSION

- The city in joint cooperation with the IDOT proposes to make improvements to an extension of IA 192, So. 6th and So. 7th Streets, within the city. The proposed project will provide for the milling and resurfacing of the existing asphalt overlay from 6th Avenue north to Broadway. The IDOT and the city will jointly participate in the project.
- The city will be the lead agency and will design and perform the construction with their own forces in the 2009 construction season.
- The city received a bid from Western Engineering for the materials and the milling to be used in the project.
- Upon completion of construction and receipt of a properly documented billing, the IDOT will reimburse the city the \$93,638.52 for the costs of materials and milling for the construction project. Cost overruns will be borne by the city. The IDOT agrees to accept ownership and jurisdiction of the improvements. The IDOT shall also assume responsibility for all future maintenance operations.
- The city labor costs are estimated at \$62,887 and are funded by Street Department Operating Budget. The cost of city equipment, using industry rental rates, totals \$94,331. These costs are not charged or budgeted, but represent the value of city owned equipment on the project.

RECOMMENDATION

Approval of this resolution.



June 2009

**IOWA DEPARTMENT OF TRANSPORTATION
Preconstruction Agreement**

County	Pottawattamie
City	Council Bluffs
Project No.	MP-192-4(704)2—76-78
Iowa DOT	
Agreement No.	(2009-X-XXX)
Staff Action No.	

This Agreement, is entered into by and between the Iowa Department of Transportation, hereinafter designated the "DOT", and the City of Council Bluffs, in Pottawattamie Iowa, hereafter designated the "CITY" in accordance with 761 Iowa Administrative Code Chapter 150, Iowa Code sections 28E.12, 306A and 313.4 as applicable;

1. The CITY in joint cooperation with the DOT proposes to make improvements to an extension of Primary Road No. IA. 192 (S. 6th St and S. 7th St.) within the CITY. The proposed project will provide for the Milling and Resurfacing of the existing asphalt overlay from the South Expressway North to Broadway. The DOT and the CITY are willing to jointly participate in said project, in the manner hereinafter provided;
2. The CITY has requested and the DOT has made available Maintenance Pavement (MP) Funding in the amount of \$93,638.52 to cover the Materials and Milling cost of construction. This funding will be available for the 2010 Fiscal Year.
3. In order to support and accelerate the project the CITY has designed and will perform the construction activities with their own forces. This Agreement reflects the current concept of this project which is subject to modification by mutual agreement between the CITY and the DOT; and

Therefore, it is agreed as follows:

Project Information

- A. The CITY will be the lead agency and will design and perform the construction with their own forces in the 2009 Construction season.
- B. The CITY has received a bid from Western Engineering for the materials to be used in the project.
- C. The CITY will be completely responsible for the design and construction of this project in accordance with the project concept and DOT standard specifications at no additional cost to the DOT except for the dollar amount listed above.
- D. Upon completion of construction and receipt of a properly documented billing, the DOT will reimburse the CITY the \$93,638.52 for the costs of Materials and Milling for the construction project. The DOT agrees to accept ownership and jurisdiction of the improvements. The DOT shall also assume responsibility for all future maintenance operations.

4. If any section, provision, or part of this Agreement shall be found to be invalid or unconstitutional, such finding shall not affect the validity of the Agreement as a whole or any section, provision, or

June 2009

part thereof not found to be invalid or unconstitutional, except to the extent that the original intent of the Agreement cannot be fulfilled.

5. This Agreement may be executed in two counterparts, each of which so executed will be deemed to be an original.
6. This Agreement, as well as the unaffected provisions of any previous agreement(s), addendum(s), and/or amendment(s); represents the entire Agreement between the CITY and DOT regarding this project. All previously executed agreements will remain in effect except as amended herein. Any subsequent change or modification to the terms of this Agreement will be in the form of a duly executed amendment to this document.
7. Traffic Control
 - a. IA 192 through-traffic will be maintained during the construction.
 - b. If this project causes the temporary closure of local side roads, city streets and/or alleys during portions of said project, the CITY will furnish and install the required road closure barricades and signing at project cost and shall remove same upon completion of the project also at no expense or obligation to the DOT.

June 2009

IN WITNESS WHEREOF, each of the parties hereto has executed Agreement No. 2009-XX-XXX as of the date shown opposite its signature below.

CITY OF COUNCIL BLUFFS:

By: _____ Date _____, 200____.
Title: Mayor

I, _____, certify that I am the Clerk of the City, and that
, who signed said Agreement for and on behalf of the City was duly authorized to execute the same on
the ____ day of _____, 200____.

Signed: _____
City Clerk of Council Bluffs, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION:

By: _____ Date _____, 200____.
John R. Selmer
District Engineer
District 4

RESOLUTION NO. 09-237

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
IOWA DEPARTMENT OF TRANSPORTATION FOR
PROJECT NO. MP-192-4(704)2-76-78
IN CONNECTION WITH THE
RESURFACING OF SOUTH 6TH AND SOUTH 7TH STREETS**

WHEREAS, the city wishes to make improvements known as the
Resurfacing of So. 6th and So. 7th Streets, within the city,
as therein described; and

WHEREAS, Iowa Department of Transportation has submitted an agreement
for the work necessary for said improvements; and

WHEREAS, the city council deems approval of said agreement to be
in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with
IDOT for the Resurfacing So. 6th and So. 7th Streets.

ADOPTED
AND
APPROVED

August 10, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Council Communication
August 10, 2009 City Council Meeting

Department: Community Development	Ordinance No.: N/A Resolution Nos.: <u>09-238</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Case/Project Nos.: EZ-09-001 & EZ-09-002		
Subject/Title		
Two applications for Enterprise Zone benefits		
Applicant		
Western Iowa Land Development LLC		
Location		
1) Lots 38, 39, 41 & 43, Zaiger Addition (generally located at 25 th Avenue and South 16 th Street) 2) Lots 51, 52, 69 & 85, Zaiger Addition (generally located at 25 th Avenue and South 16 th Street)		
Background/Discussion		
<u>Background</u> Western Iowa Land Development, LLC (WILD) has submitted two applications for Enterprise Zone benefits. Although these applications will be summarized under one staff report, they must be approved by separate resolutions. The applications are all for lots located in Zaiger Addition, which is generally located at 25 th Avenue and South 16 th Street. These lots are part of a 98 lot subdivision developed in 2006. WILD has submitted numerous floor plans (two stories and split entries) they will be utilizing for these projects. The building plans are attached to the applications showing the different floor plans being offered. The homes will have attached two car garages, three bedrooms and approximately 1,400 finished square feet. The units will have a range/oven, microwave and dishwasher. Altogether, the total project investment is approximately \$1,200,000. All of the homes will be valued at \$150,000 each. However, per State statute, only the first \$140,000 of value can be claimed for the Enterprise Zone's 10% investment tax credit. The estimated total financial enterprise zone incentive available to the project is \$144,000. The developer has agreed to comply with the adopted local requirements.		
<u>Discussion</u> The City Council established Enterprise Zone-6 with the adoption of Resolution No. 07-408. The State of Iowa made this possible by the approval of the Enterprise Zone Legislation on July 1, 1997 and the revision of the law during the 1998 legislature to include housing development. Later significant amendments came in 2006 with the adoption of new criteria for new zone designation. The stipulations placed upon eligible housing projects include the construction or rehabilitation of four or more single family houses or one or more multi-family units containing three or more units. Based on review of the applicant's requests, the projects listed above meet the requirements and are located in the Council Bluffs Enterprise Zone-6. As a result, the applicant is eligible for the following benefits: 10% investment tax credit and 100% rebate of state sales and utility use taxes.		

Council Communication
August 10, 2009 City Council Meeting

Staff Recommendation

The Community Development Department recommends approval of Enterprise Zone benefits for the two applications submitted by Western Iowa Land Development LLC at the following locations:

- 1) Lots 38, 39, 41 & 43, Zaiger Addition and
- 2) Lots 51, 52, 69 & 85, Zaiger Addition.

Enterprise Zone Commission Recommendation

On July 29, 2009, the Council Bluffs Enterprise Zone Commission met and approved the Enterprise Zone applications for Western Iowa Land Development LLC. Motion by Stazzoni, second by Milford to concur with staff recommendation and approve the EZ applications for Western Iowa Land Development LLC, as presented. The motion carried by unanimous voice vote.

VOTE: AYE – Andersen, Bates, Jares, Milford and Stazzoni; NAY – None; ABSTAIN – Prichard; ABSENT – Biede, Hornbeck

Attachments

The Western Iowa Land Development LLC Enterprise Zone applications discussed above have been provided under separate cover.

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 09-238

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS
AUTHORIZING A JOINT APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC
DEVELOPMENT (IDED) BY THE COUNCIL BLUFFS ENTERPRISE ZONE COMMISSION
AND WESTERN IOWA LAND DEVELOPMENT, LLC FOR ENTERPRISE ZONE BENEFITS.**

- WHEREAS,** The City of Council Bluffs established Enterprise Zone-6 with the adoption of Resolution No. 07-408; and
- WHEREAS,** Enterprise Zones and the eligible benefits under House File 724 were established to promote economic and housing development in distressed areas; and
- WHEREAS,** Western Iowa Land Development, LLC proposes to construct four single-family units and has requested Enterprise Zone benefits; and
- WHEREAS,** All four of the homes will be located in Zaiger Addition, which is generally located at 25th Avenue and South 16th Street; and
- WHEREAS,** The legal description of the homes is Lots 38, 39, 41 and 43, Zaiger Addition, City of Council Bluffs, Pottawattamie County, Iowa; and
- WHEREAS,** On July 29, 2009, the Enterprise Zone Commission held a public meeting to review the request of Western Iowa Land Development, LLC; and
- WHEREAS,** After review and consideration of the request, the Enterprise Zone Commission determined that the Western Iowa Land Development, LLC project meets the requirements to qualify for benefits.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

Section 1.0 The City Council finds that the Western Iowa Land Development, LLC project is located within the Council Bluffs Enterprise Zone-6 as approved with the adoption of Resolution No. 07-408.

Section 2.0 The City Council declares Western Iowa Land Development, LLC an eligible entity for Enterprise Zone benefits.

Section 3.0 The City Council approves the Western Iowa Land Development, LLC request for a 10% state investment tax credit and a 100% rebate of sales and utility use taxes subject to the entity entering into an agreement with the City. The tax credit, if not entirely used during the first year, can be carried over and applied against state tax liability for the next seven years or until depleted, whichever occurs first.

Section 4.0 The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution.

Section 5.0 The provisions of this resolution shall be governed by the laws of the State of Iowa.

Section 6.0 That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.

Section 7.0 That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall be any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.

Section 8.0 That the approval of any and all Enterprise Zone benefits is contingent upon Western Iowa Land Development, LLC meeting all other City codes and ordinances.

Section 9.0 That this resolution shall become effective immediately upon its passage and approval.

ADOPTED
AND
APPROVED:

August 10, 1009

Thomas P. Hanafan Mayor

ATTEST:

Marcia L. Worden Acting City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, 2009, before me the undersigned, a Notary Public in and for said County and State, personally appeared Thomas P. Hanafan and Marcia L. Worden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and Acting City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Marcia L. Worden, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

Council Communication
August 10, 2009 City Council Meeting

Department: Community Development	Ordinance No.: N/A Resolution Nos.: <u>09-239</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Case/Project Nos.: EZ-09-001 & EZ-09-002		
Subject/Title		
Two applications for Enterprise Zone benefits		
Applicant		
Western Iowa Land Development LLC		
Location		
1) Lots 38, 39, 41 & 43, Zaiger Addition (generally located at 25 th Avenue and South 16 th Street) 2) Lots 51, 52, 69 & 85, Zaiger Addition (generally located at 25 th Avenue and South 16 th Street)		
Background/Discussion		
<u>Background</u> Western Iowa Land Development, LLC (WILD) has submitted two applications for Enterprise Zone benefits. Although these applications will be summarized under one staff report, they must be approved by separate resolutions. The applications are all for lots located in Zaiger Addition, which is generally located at 25 th Avenue and South 16 th Street. These lots are part of a 98 lot subdivision developed in 2006. WILD has submitted numerous floor plans (two stories and split entries) they will be utilizing for these projects. The building plans are attached to the applications showing the different floor plans being offered. The homes will have attached two car garages, three bedrooms and approximately 1,400 finished square feet. The units will have a range/oven, microwave and dishwasher. Altogether, the total project investment is approximately \$1,200,000. All of the homes will be valued at \$150,000 each. However, per State statute, only the first \$140,000 of value can be claimed for the Enterprise Zone's 10% investment tax credit. The estimated total financial enterprise zone incentive available to the project is \$144,000. The developer has agreed to comply with the adopted local requirements.		
<u>Discussion</u> The City Council established Enterprise Zone-6 with the adoption of Resolution No. 07-408. The State of Iowa made this possible by the approval of the Enterprise Zone Legislation on July 1, 1997 and the revision of the law during the 1998 legislature to include housing development. Later significant amendments came in 2006 with the adoption of new criteria for new zone designation. The stipulations placed upon eligible housing projects include the construction or rehabilitation of four or more single family houses or one or more multi-family units containing three or more units. Based on review of the applicant's requests, the projects listed above meet the requirements and are located in the Council Bluffs Enterprise Zone-6. As a result, the applicant is eligible for the following benefits: 10% investment tax credit and 100% rebate of state sales and utility use taxes.		

Council Communication
August 10, 2009 City Council Meeting

Staff Recommendation

The Community Development Department recommends approval of Enterprise Zone benefits for the two applications submitted by Western Iowa Land Development LLC at the following locations:

- 1) Lots 38, 39, 41 & 43, Zaiger Addition and
- 2) Lots 51, 52, 69 & 85, Zaiger Addition.

Enterprise Zone Commission Recommendation

On July 29, 2009, the Council Bluffs Enterprise Zone Commission met and approved the Enterprise Zone applications for Western Iowa Land Development LLC. Motion by Stazzoni, second by Milford to concur with staff recommendation and approve the EZ applications for Western Iowa Land Development LLC, as presented. The motion carried by unanimous voice vote.

VOTE: AYE – Andersen, Bates, Jares, Milford and Stazzoni; NAY – None; ABSTAIN – Prichard; ABSENT – Biede, Hornbeck

Attachments

The Western Iowa Land Development LLC Enterprise Zone applications discussed above have been provided under separate cover.

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department

Approved by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 09-239

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS
AUTHORIZING A JOINT APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC
DEVELOPMENT (IDED) BY THE COUNCIL BLUFFS ENTERPRISE ZONE COMMISSION
AND WESTERN IOWA LAND DEVELOPMENT, LLC FOR ENTERPRISE ZONE BENEFITS.**

WHEREAS, The City of Council Bluffs established Enterprise Zone-6 with the adoption of Resolution No. 07-408; and

WHEREAS, Enterprise Zones and the eligible benefits under House File 724 were established to promote economic and housing development in distressed areas; and

WHEREAS, Western Iowa Land Development, LLC proposes to construct four single-family units and has requested Enterprise Zone benefits; and

WHEREAS, All four of the homes will be located in Zaiger Addition, which is generally located at 25th Avenue and South 16th Street; and

WHEREAS, The legal description of the homes is Lots 51, 52, 69 and 85, Zaiger Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, On July 29, 2009, the Enterprise Zone Commission held a public meeting to review the request of Western Iowa Land Development, LLC; and

WHEREAS, After review and consideration of the request, the Enterprise Zone Commission determined that the Western Iowa Land Development, LLC project meets the requirements to qualify for benefits.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

Section 1.0 The City Council finds that the Western Iowa Land Development, LLC project is located within the Council Bluffs Enterprise Zone-6 as approved with the adoption of Resolution No. 07-408.

Section 2.0 The City Council declares Western Iowa Land Development, LLC an eligible entity for Enterprise Zone benefits.

Section 3.0 The City Council approves the Western Iowa Land Development, LLC request for a 10% state investment tax credit and a 100% rebate of sales and utility use taxes subject to the entity entering into an agreement with the City. The tax credit, if not entirely used during the first year, can be carried over and applied against state tax liability for the next seven years or until depleted, whichever occurs first.

Section 4.0 The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution.

Section 5.0 The provisions of this resolution shall be governed by the laws of the State of Iowa.

Section 6.0 That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.

Section 7.0 That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall be any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.

Section 8.0 That the approval of any and all Enterprise Zone benefits is contingent upon Western Iowa Land Development, LLC meeting all other City codes and ordinances.

Section 9.0 That this resolution shall become effective immediately upon its passage and approval.

ADOPTED
AND
APPROVED:

August 10, 2009

Thomas P. Hanafan Mayor

ATTEST:

Marcia L. Worden Acting City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, 2009, before me the undersigned, a Notary Public in and for said County and State, personally appeared Thomas P. Hanafan and Marcia L. Worden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and Acting City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Marcia L. Worden, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

Council Communication

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>09-240</u>	City Council: 8/10/09 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Subject/Title		
Amendment of 2009 Annual Plan for Community Development Block (CDBG) Program funds.		
Background/Discussion		
<u>Background</u> The Annual Plan is a document which describes the various resources expected to be available from the U.S. Department of Housing and Urban Development (HUD) and how these resources will be used to address the priority needs and local objectives as set forth in the Consolidated Plan. The Community Development Advisory Committee (CDAC) assists the Community Development Department with the preparation of this plan by setting goals and objectives, allocating resources and holding a series of public hearings. Occasionally, throughout the year, as additional information becomes known, it is necessary to amend the Annual Action Plan.		
<u>Discussion</u> On August 11, 2008, City Council approved Resolution 08-238 adopting the 2009 Annual Plan, using estimates of federal funding levels, for the period of January 1, 2009 to December 31, 2009. In June of 2009, the City was informed by HUD that our actual CDBG allocation will be \$1,077,608. Also, with the 2007 and 2008 Budget years completed, the projects/activities with remaining balances have requested to carryover their funds into 2009. The 2009 Annual Plan is now in need of being amended to reflect the 2007 and 2008 carryover amounts. "Attachment A" outlines the proposed amended 2009 Annual Plan.		
Staff Recommendation		
The Community Development Department recommends amending the 2009 Annual Plan to reflect the actual receipt of CDBG funds and to reflect the 2007 and 2008 carryover amounts and directing the Mayor to submit an amended 2009 Annual Plan to the U.S. Department of Housing and Urban Development.		
Community Development Advisory Committee		
On July 30, 2009, the Community Development Advisory Committee (CDAC) met to review the amendments and recommend their approval. CDAC recommends amending the 2009 Annual Plan to reflect the actual receipt of CDBG funds and to reflect the 2007 and 2008 carryover amounts and directing the Mayor to submit an amended 2009 Annual Plan to the U.S. Department of Housing and Urban Development. Motion carried by unanimous voice vote.		
VOTE: AYE: Madsen, McManus, Lastrup, and Heininger; NAY – None; ABSTAIN – None; ABSENT – None.		
Attachments		
Attachment A – Amended 2009 CDBG Budget		
Submitted by: Tina Hochwender, Project Coordinator, Community Development Department		
Approved by: Donald D. Gross, Director, Community Development Department		

Section I - Expenditures

	Approved 2/9/2009	CDBG Carry-Over / Adjustments	Total Amended
<u>Community Development Program</u>	<u>09 CDBG</u>	<u>Adjustments</u>	<u>09 CDBG</u>
a. Community Development Department	\$335,000.00	\$0.00	\$335,000.00
Subtotal CD Administration	\$335,000.00	\$0.00	\$335,000.00
<u>CDBG Projects</u>			
a. Phoenix House - Domestic Violence	\$8,550.00	\$456.61	\$9,006.61
b. Family Services - Micah House	\$38,475.00	\$0.00	\$38,475.00
c. League of Human Dignity (BRIC)	\$21,375.00	\$15,000.00	\$36,375.00
d. Habitat for Humanity	\$42,500.00	\$64,680.81	\$107,180.81
f. Blighted Program - DBRP	\$192,375.00	\$38,844.37	\$231,219.37
g. FHAS - Housing Counseling	\$29,925.00	\$0.00	\$29,925.00
h. Heartland Homes	\$12,500.00	\$0.00	\$12,500.00
i. Polt Co Homeless Link	\$73,790.00	\$15,000.00	\$88,790.00
Subtotal CDBG Projects	\$419,490.00	\$133,981.79	\$553,471.79
<u>Transfers to 321 Fund Accounts</u>			
a. 26th St. & Ave. A #00190	\$0.00	\$70,835.00	\$70,835.00
b. Acquisition/Rehabilitation #00217	\$0.00	\$350,000.00	\$350,000.00
c. 23rd Avenue #00248	\$0.00	\$508,936.98	\$508,936.98
d. South Main EDI #00343	\$297,000.00	\$50,000.00	\$347,000.00
e. Katelman EDI Project # 00354	\$328,300.00	\$180,000.00	\$508,300.00
f. Mid City RR Corridor Proj. # 00355	\$300,000.00	\$509,665.69	\$809,665.69
g. Playland EDI (Not Established)	\$500,000.00	-\$500,000.00	\$0.00
h. Playland # 00356	\$0.00	\$0.00	\$0.00
i. West Broadway Project # 00341	\$0.00	\$0.00	\$0.00
j. Neighborhood Stabilization Program #00372	\$2,348,874.00	\$0.00	\$2,348,874.00
k. Neighborhood Development	\$126,210.00	-\$126,210.00	\$0.00
Subtotal CD Projects	\$3,900,384.00	\$1,043,227.67	\$4,943,611.67
<u>Rehabilitation</u>			
a. Supervision	\$155,124.00	\$0.00	\$155,124.00
b. Emerg. Repair	\$25,000.00	\$0.00	\$25,000.00
c. SF Loans & Grants	\$269,876.00	\$83,084.00	\$352,960.00
d. SF Loans & Grants - Historic	\$350,000.00	-\$350,000.00	\$0.00
Subtotal Rehabilitation	\$800,000.00	-\$266,916.00	\$533,084.00
<u>Other</u>			
a. Housing Studies	\$0.00	\$110,926.99	\$110,926.99
b. 28th Avenue 2006 IDIS Transfer	\$0.00	\$0.00	\$0.00
c. Undesignated/Balance	\$14,593.00	-\$14,593.00	\$0.00
Subtotal Other	\$14,593.00	\$96,333.99	\$110,926.99
Total CDBG Expenditures	\$5,469,467.00	\$1,006,627.45	\$6,476,094.45

Section II - Revenues

	2/9/2009	CDBG Carry-Over / Adjustments	Total
<u>2009 CDBG Revenues</u>	<u>09 CDBG</u>	<u>Adjustments</u>	
a. CDBG-2009 Entitlement Grant	\$1,052,043.00	\$22,844.00	\$1,074,887.00
b. CDBG-2008 Entitlement Grant Carry Over	\$30,000.00	\$722,273.45	\$752,273.45
c. CDBG-R 2008 Entitlement Grant Stimulus	\$0.00	\$285,520.00	\$285,520.00
d. Miscellaneous Refunds	\$30,000.00	\$0.00	\$30,000.00
e. Miscellaneous Fees	\$5,000.00	\$0.00	\$5,000.00
f. Home Improvement Program/Rehab	\$100,000.00	\$0.00	\$100,000.00
g. Mid City - IWF Lease Payment	\$150,000.00	\$153,000.00	\$303,000.00
h. Blight Program	\$128,250.00	\$0.00	\$128,250.00
i. Rehab Acquisition	\$350,000.00	\$0.00	\$350,000.00
j. CIP	\$150,000.00	\$125,000.00	\$275,000.00
Katelman EDI - Land Sales	\$328,300.00	\$180,000.00	\$508,300.00
Playland EDI	\$500,000.00	-\$500,000.00	\$0.00
South Main EDI	\$297,000.00	\$0.00	\$297,000.00
k. Neighborhood Stabilization Program Grant	\$1,184,874.00	\$0.00	\$1,184,874.00
l. Neighborhood Stabilization Program Income	\$1,164,000.00	\$0.00	\$1,164,000.00
28th Street & Avenue A - LUST	\$0.00	\$17,990.00	\$17,990.00
Subtotal of 2009 CDBG Revenues	\$5,469,467.00	\$1,006,627.45	\$6,476,094.45

Undesignated Funds \$0.00

RESOLUTION NO. 09-240

A RESOLUTION AMENDING THE USE OF B-09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND DIRECTING THE MAYOR TO SUBMIT AN AMENDED ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

- WHEREAS, the City of Council Bluffs is an entitlement community which receives CDBG funding from HUD which requires the submission of an Annual Action Plan; and
- WHEREAS, this Annual Action Plan is prepared using estimates of federal funding to be received as well as other program resources for the period of January 1, 2009 to December 31, 2009; and
- WHEREAS, City Council originally approved the 2009 Annual Action Plan on August 11, 2008 using estimates of federal funding levels; and
- WHEREAS, in June of 2009, the Community Development Department staff was notified that our CDBG allocation would be \$1,077,608; and
- WHEREAS, with the 2007 and 2008 Budget years completed, the projects/activities with remaining balances have requested to carryover their remaining funds into 2009; and
- WHEREAS, after consideration and review, the Community Development Department and the Community Development Advisory Committee have prepared amendments to the B-09 Annual Action Plan; and
- WHEREAS, the amendments are outlined in Attachment 'A'; and
- WHEREAS, it is the opinion of the City Council that it would be in the best interest of the City to amend its B-09 Annual Action Plan to reflect the actual receipt of the CDBG funds and the 2007 and 2008 carryover amounts.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the amendments as outlined in Attachment 'A' are hereby approved as amended and that the Mayor is hereby directed to forward the proposed amendments to the B-09 Annual Action Plan to the U.S. Department of Housing and Urban Development.

ADOPTED
AND
APPROVED:

August 10, 2009

Thomas P. Hanafan Mayor

ATTEST:

Marcia L. Worden Acting City Clerk

Council Communication

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>09 -241</u>	City Council: 8/10/09 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Subject/Title		
2010 Annual Plan for Community Development Block (CDBG) funds and Home Investment Partnership Program (HOME) funds.		
Background/Discussion		
<u>Background</u> The City of Council Bluffs is an entitlement community under the Community Development Block Grant (CDBG) program, which results in annual funding from the U.S. Department of Housing and Urban Development (HUD). The City has also entered into a HOME consortium agreement with the City of Omaha, which results in receiving annual funds from the Home Investment Partnership Program (HOME). In order to receive these funds, the City is required to submit to HUD an Annual Plan. The Annual Plan details the City's objectives, revenues, expenditures and other actions. This document is prepared by the Community Development Department with input from the Community Development Advisory Committee (CDAC). A thirty (30) day comment period is required prior to submitting the application and Annual Plan on or before November 15, 2008. This process began in June of 2009. The Community Development Advisory Committee on July 30, 2009 finalized the CDBG portion of this document. This document was developed with the anticipation of receiving a total of approximately \$2,161,281 in CDBG funding and \$300,000 in HOME funding for the period of January 1, 2010 through December 31, 2010. The CDBG amount includes the following sources of revenue: 2010 CDBG Grant - \$1,101,759; B-2009 Carry-over Funds - \$30,000; Miscellaneous Refunds and Fees - \$50,000; and Program Income - \$979,522.		
<u>Discussion</u> Of the \$2,161,281 available, a significant amount is recommended for ongoing programs involving housing rehabilitation and construction, economic and housing development, demolition, blight removal and administration. However, a portion of the available funds were allocated to various projects using a request for proposal (RFP) process. This included advertising the availability of funding in the <i>The Daily Nonpareil</i> , posting the availability of funding at the Council Bluffs Public Library and City Hall and notifying previous applicants. Upon the receipt of proposals, public hearings were held and recommendations formulated. The Community Development Department and the CDAC are now recommending the allocation of the CDBG and HOME program funds. A listing of the programs and projects recommended for CDBG and HOME funds is attached for your review. Upon City Council approval, the Community Development Department will forward the 2010 Annual Plan to the City of Omaha and to HUD.		
Staff Recommendation		
The Community Development Department recommends that the City Council adopt a resolution approving the use of the 2010 CDBG and HOME program funds as outlined in the attached budgets and direct the Mayor to submit the 2010 Annual Plan to the City of Omaha and to the U. S. Department of Housing and Urban Development (HUD).		
Community Development Advisory Committee		
On July 30, 2009, the Community Development Advisory Committee (CDAC) met to review the 2010 CDBG and HOME program funds and recommend their approval. CDAC recommends allocating the CDBG funds as outlined in Attachment A and directing the Mayor to submit a 2010 Annual Plan to the U.S. Department of Housing and Urban Development (HUD). Motion carried by unanimous voice vote. VOTE: AYE: Madsen, McManus and Lastrup; NAY – None; ABSTAIN – Heininger; ABSENT – None. CDAC recommends allocating the HOME funds as outlined in Attachment B. Motion carried by unanimous voice vote. VOTE: AYE: Madsen, McManus, Lastrup and Heininger; NAY – None; ABSTAIN – None; ABSENT – None.		
Attachments		
Attachment A – 2010 CDBG Budget Attachment B – 2010 HOME Budget		

Submitted by: Tina Hochwender, Program Coordinator, Community Development Department

Approved by: Donald D. Gross, Director, Community Development Department

2010 Home Investment Partnership Program (HOME) - Council Bluffs

<u>Program</u>	<u>Description</u>	<u>Unit Goals</u>	<u>2010 HOME Budget</u>	<u>Low and Moderate Income Benefit</u>			<u>Other Public Funds</u>	<u>Private Funds</u>	<u>Total Project Costs</u>
Direct Homeownership Assistance	Downpayment assistance to first-time low and moderate income homebuyers through the provision of second mortgages to purchase 5 newly constructed single family homes.	5	\$135,000	\$135,000	\$0	\$0	\$0	\$0	\$135,000
Multi-Family Housing Development Project	Land acquisition, demolition and/or construction related costs for 1 or 2 multi-family housing development projects.	3	\$165,000	\$165,000	\$0	\$0	\$0	\$0	\$165,000
				\$300,000	\$300,000	\$0	\$0	\$0	\$300,000

RESOLUTION NO. 09-241

A RESOLUTION APPROVING THE USE OF 2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND DIRECTING THE MAYOR TO SUBMIT THE ANNUAL PLAN TO THE CITY OF OMAHA AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

- WHEREAS, the City of Council Bluffs, an entitlement community, annually receives CDBG funds from HUD; and
- WHEREAS, the City of Council Bluffs also receives HOME funds from HUD through the Omaha-Council Bluffs HOME Consortium; and
- WHEREAS, the Community Development Advisory Committee held a public hearing to obtain the views of citizens on housing and community development needs; and
- WHEREAS, the Community Development Department and the Community Development Advisory Committee received requests from the public for CDBG and HOME funding; and
- WHEREAS, the Community Development Advisory Committee held public hearings on said funding requests to ensure that citizens have had an opportunity to present project proposals and comments; and
- WHEREAS, on July 30, 2009, the Community Development Advisory Committee prepared recommendations on said funding requests; and
- WHEREAS, it is the opinion of the City Council that it would be in the best interest of the City to allocate CDBG funds as listed and outlined in Attachment A and to allocate HOME funds as listed and outlined in Attachment B.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the projects listed in Attachment A with the corresponding CDBG amounts are hereby approved and the projects listed in Attachment B with corresponding HOME amounts are hereby approved.

BE IT FURTHER RESOLVED

That the Mayor is hereby directed to cause the preparation of an Annual Plan which outlines the proposed use of funds as required by the U.S. Department of Housing and Urban Development.

ADOPTED
AND
APPROVED:

August 10, 2009

Thomas P. Hanafan

Mayor

ATTEST:

Marcia L. Worden

Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading August 10, 2009
Case/Project No.: _____ Resolution No. 09-242
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution authorizing the Mayor to execute a Programmatic Agreement with the Federal Highway Administration (FHWA) and the Iowa State Historic Preservation Officer (SHPO) for the Indian Creek Channel Historic District.

BACKGROUND/DISCUSSION

- The city has proposed the replacement of the Oak Street Fire Station Bridge over Indian Creek with an enclosed concrete box structure. To do this it is necessary to remove portions of the old open top concrete creek channel.
- The concrete channel of Indian Creek was built by Works Progress Administration (WPA) during the Great Depression. The channel was constructed in 1935.
- FHWA and SHPO have determined that the old Indian Creek Channel is a potential Historic District and is eligible for the National Register.
- This agreement stipulates the requirements for compliance with the National Historic Preservation Act.
- If the City uses federal monies in a project that impacts the Historic District it must comply with the agreement.
- The agreement states the city will inventory the historic district elements and boundary limits.
- The city will research and document the history of the district. The documentation will be distributed as dictated in Appendix A.
- There is a one time cost of around \$25,000 to comply with these conditions.
- For each current and future federal aid project affecting the district must then photograph the elements affected and submit the photos to SHPO.
- The one time cost of the documentation is part of the Oak Street Fire Station Bridge Replacement Project # FY09-10.

RECOMMENDATION

Approval of this resolution.

PROGRAMMATIC AGREEMENT

AMONG THE IOWA DIVISION, FEDERAL HIGHWAY ADMINISTRATION, IOWA STATE HISTORIC PRESERVATION OFFICER, AND THE CITY OF COUNCIL BLUFFS

WHEREAS: the Iowa Division Administrator, Federal Highway Administration (FHWA), is the "Agency Official" responsible for compliance with Section 106 of the *National Historic Preservation Act of 1966* (NHPA), as amended (16 U.S.C. 470 et seq.) and implementing regulations (36 CFR Part 800) for undertakings that use Federal Aid Highway Funds; and

WHEREAS: the Iowa State Historic Preservation Officer's (SHPO) responsibilities, under Section 106 of the NHPA and 36 CFR Part 800, are to advise, assist, and consult with federal agencies as they carry out their historic preservation responsibilities; and

WHEREAS: the FHWA and SHPO have determined that the Indian Creek Historic District (District) is eligible for the National Register; and

WHEREAS: the City of Council Bluffs (City), has jurisdiction over the District, and is responsible for the maintenance of the District and its contributing elements; and

WHEREAS: the FHWA, SHPO, and the City recognize that Federal funding may be used for the reconstruction, rehabilitation and maintenance projects that may affect segments of the District; and

WHEREAS: the FHWA, SHPO, and the City have consulted with the Advisory Council of Historic Preservation (Council) pursuant to 36 CFR 800.14 of Section 106 of the Historic Preservation Act (revised 2001); and

WHEREAS: Native American Tribes that may have a religious or cultural interest within the Council Bluffs area have been consulted, and have expressed no objections; and

WHEREAS: the Iowa Department of Transportation (DOT) has participated in the consultation process, leading to preparation of this agreement and the attached procedures, and has been invited to concur in this Programmatic Agreement (PA); and

NOW, THEREFORE: the FHWA, the SHPO and the City agree that the federally aided projects affecting the District shall be administered according to the following stipulations to satisfy Section 106 responsibilities.

A. PROCESS STIPULATIONS

The FHWA, with the cooperation and assistance of the DOT, will ensure that the following measures are carried out:

1. For each Federal-aid undertaking that affects the Indian Creek Historic District (District), the City will identify and evaluate other historic properties within the Area of Potential Effect besides the Indian Creek elements according to 36 CFR 800.3 through 800.6.
2. For each Federal-aid undertaking that affects the District, the City will make an effort to identify feasible and prudent alternatives to avoid adversely impacting the District.
3. If the undertaking is determined to have a No Adverse Effect to the District and any other historic properties, the finding will be documented along with the results of A.1 and A.5(d) to be forwarded to SHPO for comment. If SHPO agrees, Section 106 consultation will be concluded.
4. If the undertaking is determined to have an Adverse Effect to the District, the finding will be documented along with the results of A.1, A.2, A.5(d), and cite the signed PA to be forwarded to SHPO for comment.
5. The mitigation for the current and future undertakings that have an Adverse Effects to the District will be the following measures:
 - a. The Indian Creek Historic District will be inventoried to identify the contributing elements and the boundary limits.
 - b. The history that qualifies the Indian Creek District for the National Register will be researched and documented according to Appendix A "*Iowa Historic Properties Study*".
 - c. Report the results of 5(a) & 5(b) in a booklet as instructed in Appendix A.
 - d. For the current and each future undertaking affecting the District, the city shall photograph the elements or segment of the Historic District that are affected by the undertaking. The city shall provide black and white 5x7 prints to SHPO as instructed in Appendix B "*Photographic instructions*".

B. ADMINISTRATIVE STIPULATIONS

1. Unexpected Discoveries

Any unexpected discoveries of historic properties or archaeological sites encountered during implementation of an undertaking shall be dealt with according to 36 CFR 800.13(b).

2. Protection of Human Burials

All human burials in the State of Iowa are protected by law. In the event that human remains or burials are encountered during archaeological investigations or construction activities, the FHWA shall cease work in the area, take appropriate steps to secure the site, and notify officials at the Burials Program at the Office of the State archaeologist or the Iowa Department of Health.

If remains appear to be ancient (i.e., older than 150 years), the burial is legally protected under Chapters 263B and 716.5 of the Iowa Code, and the Office of the State Archaeologist shall have jurisdiction until the cultural affiliation of the remains can be determined, and their disposition can be arranged in

consultation with the American Indian Tribe determined to be lineal descendants, following the provisions of the *Native American Graves Protection and Repatriation Act* (25 USC 3001 through 3005). If the remains appear to be less than 150 years old, the burial is legally protected under Chapters 144.34, 566, and 716.5 of the Iowa Code, and would fall under the jurisdiction of the Iowa Department of Public Health.

3. Monitoring

The Iowa SHPO may monitor activities carried out pursuant to this Programmatic Agreement. The Advisory Council may review such activities, if so requested.

4. Duration

Representatives of the signatory agencies shall review this agreement at five (5) year intervals from the date of execution. If no substantive changes are made, documentation of said review will be the basis for the agreement to remain in effect until it is superseded or terminated according to stipulation 8.

5. Amendments

Any party to this agreement may request that it be amended, whereupon the parties shall consult to consider such an amendment.

6. Disputes

Should any party object to any action proposed or manner in which this agreement is implemented, FHWA will consult with the objecting party to resolve the objection according to 36 CFR 800.7.

7. Public Objection

Anytime during implementation of the measures stipulated in this agreement, should a member of the public object to such measures or manner of implementation, FHWA shall notify the parties of this agreement and take the objection into account, consult with the objector, and if requested by the objector, consult with any of the parties of this agreement to resolve the objection.

8. Termination

Any party to this agreement may terminate this agreement by providing thirty (30) days written notice to the other parties, provided that the parties will consult during that period prior to actual termination to seek agreements on actions that would avoid termination. In the event of termination, FHWA and DOT will comply with the provisions of 36 CFR 800.4 through 800.6 for every individual undertaking covered by this agreement.

C. EXECUTION and IMPLEMENTATION

The execution and implementation of this Programmatic Agreement is evidence that the FHWA has taken into account the effects of undertakings on the Indian Creek Historic District. The signing parties are signing as representatives of their respective agency, not as a personal responsibility.

SIGNATORIES

FEDERAL HIGHWAY ADMINISTRATION

Mike LaPietra, Iowa Division

Date

IOWA STATE HISTORIC PRESERVATION OFFICER

Barbara Mitchell
Deputy State Historic Preservation Officer

Date

CITY OF COUNCIL BLUFFS

Gregory Reeder
Public Works Director
Council Bluffs, Iowa

Date

CONCURRING PARTY

IOWA DEPARTMENT OF TRANSPORTATION



Jim Rost
Office of Location & Environment

7/28/09
Date

APPENDIX A

PUBLIC HISTORY BOOKLET: INDIAN CREEK HISTORIC DISTRICT

The documentation identified below is for an Iowa Public Works Administration project that has been found eligible for the National Register of Historic Places under state and local significance. The booklet is to be written for a broad public audience—kept simple, direct, and free of technical and academic jargon. The character of the documentation produced—its content, quality, materials, and presentation—shall meet the Secretary of Interior's Standards and Guidelines, and the booklet shall be authored by an architectural historian or historian qualified under the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).

The public history booklet prepared will focus on the history of the Indian Creek area and the Public Works Administration Project involving Indian Creek in Council Bluffs, Pottawattamie County, Iowa. Questions that might be addressed in the booklet include, but are not limited to, the following:

1. What were the circumstances of the creek prior to the PWA project? How did Indian Creek affect the development of Council Bluffs? What was the impetus for the project? Were there difficulties getting the project undertaken?
2. What is the Public Works Administration? What was the impetus for the PWA? Who participated?
3. What changes have taken place in the Indian Creek District since it was first constructed? What benefits to the city? Businesses? Residential development?

The booklet is anticipated to be 8 to 12 pages in length and will include, as appropriate, historic and current photographs, maps, and/or drawings that will illustrate and complement the text. A mock-up copy of the draft manuscript and selected illustrations shall be submitted via the Office of Location and Environment in the DOT to the SHPO for review and comment on content and professional quality of layout. The final booklet will be published once any SHPO comments have been addressed. If the SHPO does not respond within 45 days, the author may proceed to finalize and publish the booklet.

At least 1,200 copies of the booklet will be printed and distributed as follows. The State Historical Society of Iowa (SHPO) shall receive 100 copies, the FHWA shall receive 20 copies, the Iowa DOT shall receive 100 copies, the City of Council Bluffs shall receive 100 copies, the Council Bluffs Historic Preservation Commission shall receive 100 copies, the Railroad Museum shall receive 100 copies, and the Council Bluffs public library shall receive 10 copies. Additionally, each public high school in Council Bluffs shall receive one copy. Each local and regional newspaper in the Council Bluffs area shall receive one copy. Finally, one copy shall be sent to each university, college, and public library in the state. Three copies of the final print-ready manuscript will be supplied as a PDF file on a CD-R for distribution to the SHPO, Iowa DOT, and the City of Council Bluffs. A manuscript will also be submitted to the editor of the *Iowa Heritage Illustrated* for consideration of publication as an article.

No additional documentation in the form of photographs or drawings shall be required.

APPENDIX B

PHOTOGRAPHS

Photographic coverage may be by digital format or traditional 35mm film.

If using traditional 35mm film, each view will be taken in both black-and-white film and Kodachrome-64 color slides. Prints from the black-and-white film shall be on double or medium-weight fiber-based or resin-coated papers that have been processed in trays in order to meet guidelines outlined in National Register Bulletin 16A.

Where digital format is employed, the views shall be printed using archival inks and papers, using a black-only ink setting. These digital views will also be submitted on a CD-R meeting the guidelines outlined for the National Register of Historic Places, available online at www.cr.nps.gov/nr/policyexpansion.htm.

The photographic documentation is to meet requirements for ready inclusion in the records of the State Historical Society of Iowa. Photographic views will include at least two contextual views showing the property's placement on the landscape plus, as needed, special shots of the particular property in order to adequately illustrate what is significant or valuable about the property(s). The minimum number and kind of views taken of a bridge will be in accord with those assigned in diagrams for recording bridge details illustrated by bridge historian, James C. Hippen. Take as many shots as needed to tell the story of the historic property.

RESOLUTION
NO. 09-242

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE A PROGRAMMATIC AGREEMENT WITH THE
FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND THE
IOWA STATE HISTORIC PRESERVATIONS OFFICER (SHPO)
FOR THE INDIAN CREEK CHANNEL HISTORIC DISTRICT**

WHEREAS, the city wishes to make improvements known as the
Indian Creek Channel Historic District, within the city, as therein
described; and

WHEREAS, Federal Highway Administration and the Iowa State Historic
Preservations Officer has submitted an agreement for the city
to research and document the history of the district by the
city; and

WHEREAS, the city council deems approval of said agreement to be
in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute a programmatic agreement with the Federal Highway Administration (FHWA) and the Iowa Historic Preservations Officer (SHPO) for the Indian Creek Channel Historic District.

ADOPTED
AND
APPROVED

August 10, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Council Communication

Department: Legal Case/Project No. Applicant:	Ordinance No. Resolution No. <u>09-243</u>	First Reading Second Reading Third Reading
Subject/Title		
A resolution to appoint Marcia Worden to the position of City Clerk, effective August 10, 2009 at grade 24, step 3 of the nonunion pay scale with a probationary term of six months; and effective August 10, 2009 Marcia is also hereby granted five days of administrative leave in accordance with City Personnel Policy 500.		
Background/Discussion		
This resolution has been placed on the agenda at the request of the City Council.		
Recommendation		

Richard Wade
Department Head Signature

Mayor Signature

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 09-243

A RESOLUTION TO APPOINT MARCIA WORDEN TO THE POSITION OF CITY CLERK.

WHEREAS, this resolution shall appoint Marcia Worden to the position of City Clerk effective August 10, 2009, with compensation established at grade 24, step 3 of the nonunion pay scale; and

WHEREAS, as City Clerk, Marcia Worden will be granted an additional five days of administrative leave on an annual basis beginning upon her appointment; and

WHEREAS, there will be a probationary period of six months for this position.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That effective August 10, 2009, Marcia Worden is hereby appointed to the position of City Clerk at pay grade 24, step 3 of the nonunion pay scale with a probationary term of six months; and

BE IT FURTHER RESOLVED

That effective August 10, 2009, Marcia Worden is also hereby granted five days of administrative leave in accordance with City Personnel Policy 500.

ADOPTED
AND
APPROVED

August 10, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR: CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 09-022905

COUNCIL BLUFFS
CITY CLERK
AUG - 4 P 4:30

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Ronald L. Loehr
ADDRESS: 3443-2ND Ave

DAY PHONE: (712) 323-3260
DOB: 12-5-47

DATE & TIME OF LOSS/ACCIDENT: 7-23-09

LOCATION OF LOSS/ACCIDENT: 31ST and 2ND Ave

DESCRIPTION OF LOSS/ACCIDENT: The front end of my Dodge Caravan got the brunt of the accident.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 6,696.44 left open

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Anastasia Loehr, 3443-2ND Ave 323-32
Jessie R. Morton, Alyssa Loehr

WAS POLICE REPORT FILED ☒ YES ☐ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

Mercy Hospital ER, 800 Mercy Dr. Council Bluffs, IA
(712) 328-5000

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

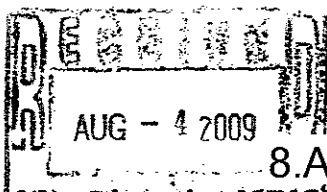
OTHER RELEVANT INFORMATION: Car seat

LIST INSURANCE PROVIDER AND COVERAGE: Metlife Type of coverage personal
Automobile

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

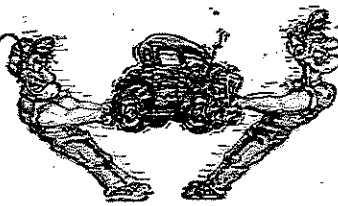
NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

8-4-09
DATE



Ronald Loehr
CLAIMANT'S SIGNATURE

Attn: Randall Carlson



Date: 7/24/2009 02:44 PM
 Estimate ID: 8726
 Estimate Version: 0
 Preliminary
 Profile ID: STATE FARM INSURANCE

Your scheduled for repairs on _____
 (this only pertains if you actually scheduled your vehicle)

Varn's Body Shop

1604 Avenue "J", Council Bluffs, IA 51501-1055
 (712) 323-7093
 Fax: (712) 323-0567

Damage Assessed By: Dan Varn

Type of Loss: Property Damage
 Date of Loss: 7/24/2009
 Contact Date: 7/24/2009
 Deductible: 0.00
 P.O. Number: 1
 Claim Number: 8726

Owner: RONALD LOEHR
 Address: 3443 2ND AVE, C B, IA 51501
 Telephone: Work-Phone: (712) 366-9553

Home Phone: (712) 323-3260

Mitchell Service: 910530

Description: 2006 Dodge GrandCaravan SXT
 Body Style: Van 119" WB
 VIN: 2D4GP44L86R698946
 Mileage: 66,896
 OEM/ALT: A
 Color: BLUE
 Options: POWER WINDOWS, POWER DOOR LOCKS, CRUISE CONTROL, DUAL A/C, POWER DRIVER SEAT

Drive Train: 3.8L Inj 6 Cyl 2WD
 License: 006W10 IA
 Search Code: B51501

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/Part Number	Dollar Amount	Labor Units
1	100008	BDY	REMOVE/REPLACE	REPLACE FRT SHEET METAL	Qual Recycled Part	2,200.00 *	7.1
2	AUTO	REF	REFINISH	FRONT SHEET METAL			C 5.6
3	AUTO	REF	REFINISH	ADD FOR EDGES & UNDERSIDE			C 2.2
4				LINE MARKUP %25.00		550.00	
5	100350	BDY	REMOVE/REPLACE	FRT REPLACE BUMPER	Qual Recycled Part	INC*	INC #
6	AUTO	REF	REFINISH	FRONT BUMPER			C 1.4
7	100013	BDY	REMOVE/REPLACE	LICENSE PLATE KIT	Qual Recycled Part		0.2
8	100014	BDY	REMOVE/REPLACE	GRILLE	Qual Recycled Part		0.2
9	100359	BDY	REMOVE/REPLACE	FOG LAMP	Qual Recycled Part		0.3
10	100026	BDY	REMOVE/REPLACE	L REPLACE PARTIAL FRT INR STRUCTURE ASSY	Qual Recycled Part	0.00 *	11.5
11	AUTO	REF	REFINISH	L PARTIAL FRONT INNER STRUCTURE ASSY			2.5
12				LINE MARKUP %25.00			
13	100036	BDY	REMOVE/REPLACE	HOOD INSULATOR	Qual Recycled Part		0.3
14	100037	BDY	REMOVE/REPLACE	FRT HOOD SEAL	Qual Recycled Part		0.1
15	100251	BDY	REMOVE/REPLACE	AIR DEFLECTOR	Qual Recycled Part		0.3
16	100254	BDY	REMOVE/REPLACE	R ADD W/ANTENNA	Qual Recycled Part		0.1
17				*** END OF ATG SECTION ***			
18	003250	MCH	REMOVE/INSTALL	A/C CONDENSER -M			1.0
19	000177	MCH	REMOVE/REPLACE	EVACUATE & RECHARGE A/C -M			1.4
20	006254	BDY	REMOVE/REPLACE	FRT ENG SUPT MOUNT	4861271AD	120.00	1.2
21	000760	GLS	REMOVE/REPLACE	W/SHIELD GLASS	DW01411GBN	218.75	2.6 #

ESTIMATE RECALL NUMBER: 07/24/2009 14:44:06 8726

Mitchell Data Version: JUN_09_V

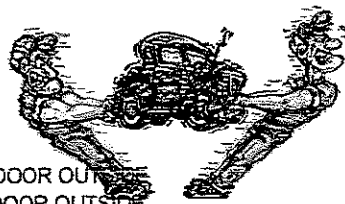
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UltraMate Version: 6.7.023

All i 8.A. served

Page 1 of 3

-119-



Date: 7/24/2009 02:44 PM
Estimate ID: 8726
Estimate Version: 0
Preliminary
Profile ID: STATE FARM INSURANCE

22	001219	REF	BLEND	R FRT DOOR OUTSIDE				C 1.0
23	001220	REF	BLEND	L FRT DOOR OUTSIDE				C 1.0
24	001239	BDY	REMOVE/INSTALL	R FRT BELT MOULDING				0.2 #
25	001240	BDY	REMOVE/INSTALL	L FRT BELT MOULDING				0.2 #
26	001419	BDY	REMOVE/INSTALL	R FRT DOOR HANDLE				0.6 #
27	001420	BDY	REMOVE/INSTALL	L FRT DOOR HANDLE				0.6 #
28	931010	MCH	ALIGN	FRONT SUSPENSION	Sublet	69.95	*	0.0*
29	936003		ADD'L COST	COOLANT		20.00	*	
30	936001		ADD'L COST	TOWING		70.00	*	
31	936018		ADD'L COST	R134A FREON & OIL		20.00	*	
32	933006	BDY *	ADD'L OPR	FRAME/RACK SET UP				1.0*
33	933035	FRM	ADD'L OPR	UNIBODY PULL		228.00	*	
34	AUTO	REF	ADD'L OPR	CLEAR COAT				3.8*
35	AUTO		ADD'L COST	PAINT/MATERIALS		525.00	*	
36	AUTO		ADD'L COST	HAZARDOUS WASTE DISPOSAL		3.00	*	

* - Judgment Item

- Labor Note Applies

C - Included in Clear Coat Calc

Remarks

DV LKQ PARTS Q #706526/KOS.92391.

Estimate Totals

I. Labor Subtotals						II. Part Replacement Summary					
	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals					Amount	
Body	23.9	48.00	0.00	0.00	1,147.20	T	Taxable Parts			2,538.75	
Refinish	17.5	48.00	0.00	0.00	840.00	T	Parts Adjustments			550.00	
Glass	2.6	48.00	0.00	0.00	124.80	T	Sales Tax	@ 7.000%		216.21	
Frame	0.0	57.00	228.00	0.00	228.00	T					
Mechanical	2.4	65.00	0.00	69.95	225.95	T	Total Replacement Parts Amount			3,304.96	
Taxable Labor					2,565.95						
Labor Tax					@ 7.000 %					179.62	
Labor Summary	46.4				2,745.57						
III. Additional Costs					Amount	IV. Adjustments					Amount
Taxable Costs					113.00	Insurance Deductible					0.00
Sales Tax					@ 7.000%	Customer Responsibility					0.00
Non-Taxable Costs					525.00						
Total Additional Costs					645.91						
						I.	Total Labor:			2,745.57	
						II.	Total Replacement Parts:			3,304.96	
						III.	Total Additional Costs:			645.91	
							Gross Total:			6,696.44	

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. _____

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT:

ADDRESS:

DAY PHONE:

DOB:

DATE & TIME OF LOSS/ACCIDENT:

LOCATION OF LOSS/ACCIDENT:

DESCRIPTION OF LOSS/ACCIDENT:

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$

WITNESS(ES) (Name(s), Address(es), Phone No(s))

WAS POLICE REPORT FILED ☒ YES ☐ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION:

LIST INSURANCE PROVIDER AND COVERAGE:

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

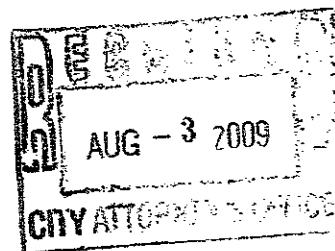
NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

DATE

CLAIMANT'S SIGNATURE

COUNCIL BLUFFS
CITY CLERK

2009 AUG - 3 P 12:41



MARS
May 2003

MAIL REPORTS TO:
Iowa Department of Transportation
Office of Driver Services
P.O. Box 9204
Des Moines, Iowa 50306-9204



Iowa Department of Transportation INVESTIGATING OFFICERS REPORT OF MOTOR VEHICLE ACCIDENT

Law Enforcement Case Number: 08001985	
Legal Intervention? <input type="checkbox"/>	Private Property? <input type="checkbox"/>
Location Literal Description 2400 BLK 5TH AVE	
X-Coordinate: 00258642 Y-Coordinate: 04571310	
If Divided Highway, Provide Route (Cardinal) Travel Direction: "N/A"	

LOCATION

Date of Accident 01/15/08	Time of Accident 20:22 Hrs	County Pottawattamie - 78	Accident occurred within corporate limits of (city) Council Bluffs - 1642
If accident occurred outside of city limits show general vicinity: "N/A" of nearest city "N/A"			
On Road, Street, or Highway: "N/A"		At Intersection with: "N/A"	
Note: Unless accident occurred at an intersection which is completely described above, use the space below to give the exact location from a milepost or definable intersection, bridge, or railroad crossing, using two distances and directions if necessary.			
Distance "N/A"	Direction "N/A"	Distance "N/A"	Direction "N/A"
Milepost Number "N/A" Or Definable intersection, bridge, or railroad crossing "N/A"			

UNIT

001

Driver's Name - Last LANDERS		First AUSTIN		Middle ALLEN		Suffix		Phone (712) 325-1949 x	
Address 2731 MCBRIDE AVE		City COUNCIL BLUFFS		State IA		Zip 51501-0900			
Date of Birth 07/12/1991		Driver's License Number 980BB7201		Citation Charge Code 1		Citation Charge 1			
Gender Male		State IA		Class C		Endorsements NONE		Restrictions Y	
Alcohol Test Given?		Test Results:		Drug Test Given?		Test Results:		Citation Charge Code 2	
Seating Position 01		Injury Status 5		Occupant Protection 2		Airbag Deployment 5		Airbag Switch Status 3	
Transported to:		Transported by:		Ejection 1		Ejection Path 1		Trapped 1	
Owner's Name - Last LANDERS		First AUSTIN		Middle ALLEN		Suffix		Owner Company Name	
Address 2731 MCBRIDE AVE		City COUNCIL BLUFFS		State IA		Zip 51501-0900			
Insurance Co. Name STATE FARM MUTUAL		Insurance Policy # 69 3301-A12-15A		License Plate # 309SY		State IA		Year 08	
VIN No. JHMCD566RC016866		Year 1994		Make Honda - HOND		Model ACCORD		Style 4D	
Initial Travel Direction 2		Vehicle Action 01		Speed Limit 30		Point of Initial Impact 05		Most Damaged Area 05	
Total Occupants 06		Traffic Controls 01		Vehicle Config. 01		Cargo Body Type 01		Vehicle Defect 99	
Extent of Damage 3		Undercarriage/Overide 1		Private? <input type="checkbox"/>		Approximate Cost to Repair or Replace \$2,500.00			
SEQUENCE OF EVENTS		First Event 21		Second Event		Third Event		Fourth Event	
Commercial Trailer License Plate #		Attached to Power Unit:		State Year		Attached to Trailer Unit:		State Year	
Carrier Name		Address		City		State		Zip	
US DOT #		or MC #		Number of Axes		Gross Vehicle Weight Rating		Placard #	
								Hazardous Materials Released?	

UNIT

002

Driver's Name - Last RUMMEL		First TEDDY		Middle RAY		Suffix		Phone (712) 328-4715 x	
Address 227 S. 6TH ST.		City COUNCIL BLUFFS		State IA		Zip 51501			
Date of Birth 01/04/1970		Driver's License Number 852ZZ3373		Citation Charge Code 1		Citation Charge 1			
Gender Male		State IA		Class C		Endorsements NONE		Restrictions NONE	
Alcohol Test Given?		Test Results:		Drug Test Given?		Test Results:		Citation Charge Code 2	
Seating Position 01		Injury Status 4		Occupant Protection 2		Airbag Deployment 1		Airbag Switch Status 3	
Transported to: MERCY HOSPITAL		Transported by: CBFD		Ejection 1		Ejection Path 1		Trapped 1	
Owner's Name - Last		First		Middle		Suffix		Owner Company Name CITY OF COUNCIL BLUFFS	
Address 209 PEARL ST.		City COUNCIL BLUFFS		State IA		Zip 51501			
Insurance Co. Name ILLINOIS UNION INS. CO.		Insurance Policy # PEPG23859117		License Plate # 85444		State IA		Year 2008	
VIN No. 2FAPF71VXX5X116808		Year 2005		Make Ford - FORD		Model CROWN VICTORIA		Style 4D	
Initial Travel Direction 2		Vehicle Action 01		Speed Limit 30		Point of Initial Impact 01		Most Damaged Area 01	
Total Occupants 01		Traffic Controls 01		Vehicle Config. 01		Cargo Body Type 01		Vehicle Defect 99	
Extent of Damage 3		Undercarriage/Overide 1		Private? <input checked="" type="checkbox"/>		Approximate Cost to Repair or Replace \$3,000.00			
SEQUENCE OF EVENTS		First Event 21		Second Event		Third Event		Fourth Event	
Commercial Trailer License Plate #		Attached to Power Unit:		State Year		Attached to Trailer Unit:		State Year	
Carrier Name		Address		City		State		Zip	
US DOT #		or MC #		Number of Axes		Gross Vehicle Weight Rating		Placard #	
								Hazardous Materials Released?	

ORIGINAL

ACCIDENT ENVIRONMENT				ROADWAY CHARACTERISTICS				WORKZONE RELATED?		SEQUENCE OF EVENTS	
Location of First Harmful Event		Weather Conditions		Major Contributing Circumstances:		Environment		Location		First Harmful Event of Crash	
Manner of Crash/Collision		(up to two)		Roadway		Type		Type		(Use codes 11-42 only)	
Light Conditions		Surface Conditions		Type of Roadway Junction/Feature		Workers Present?				21	
PERSON INJURED	Name - Last		First		Middle		Suffix				
	NEWLAND		ALEXANDRA		N						
	Address		City		State		Zip Code				
	2620 8TH AVE		COUNCIL BLUFFS		IA		51501				
	Date of Birth	Sex	Unit No.	Seating Position	Injury Status	Occupant Protection	Airbag Deployment	Airbag Switch Status	Ejection	Ejection Path	Trapped
4/8/1992	Female	001	07	4	1	6	3	1	1	1	
Transported to:						Transported by:					
MERCY HOSPITAL						PARENTS					
NON-MOTORIST		Type	Location	Action	Condition	Safety Equipment	Contributing Circumstances	Unit No. of Vehicle Striking			
PERSON INJURED	Name - Last		First		Middle		Suffix				
	SMELSER		MARY		E						
	Address		City		State		Zip Code				
	2720 AVE E		COUNCIL BLUFFS		IA		51501				
	Date of Birth	Sex	Unit No.	Seating Position	Injury Status	Occupant Protection	Airbag Deployment	Airbag Switch Status	Ejection	Ejection Path	Trapped
10/19/1991	Female	001	07	4	1	6	3	1	1	1	
Transported to:						Transported by:					
MERCY HOSPITAL						PARENTS					
NON-MOTORIST		Type	Location	Action	Condition	Safety Equipment	Contributing Circumstances	Unit No. of Vehicle Striking			
DIAGRAM	<p>2415 5th Ave.</p> <p>#1</p> <p>#2</p> <p>2400 Blk 5th Ave.</p> <p>***Diagram Not to Scale***</p>										
NARRATIVE											
Describe what happened (refer to vehicles by number)											
<p>ON 01-15-2008, AT APPROXIMATELY 2022 HOURS, UNITS #1 AND #2 WERE INVOLVED IN A REAR END COLLISION IN FRONT OF 2415 5TH AVE. DRIVER #2 AND TWO OCCUPANTS OF UNIT #2 WERE TRANSPORTED TO MERCY HOSPITAL FOR TREATMENT.</p> <p>UNIT #1 WAS SLOWING TO TURN INTO THE DRIVEWAY AT 2415 5TH AVE. UNIT #2 STRUCK THE REAR OF UNIT #1. UNIT #1 SPUN 180 DEGREES TO THE SOUTH AND CAME TO REST IN THE PARKING AREA IN FRONT OF THE RESIDENCE.</p> <p>DRIVER #1 ADVISED HE WAS TRAVELING EAST ON 5TH AVE AND DID NOT SEE WHAT HAPPENED IN THE ACCIDENT. HE ADVISED HE DID NOT SEE UNIT #2 BEHIND HIM. HE ADVISED THAT HE UTILIZED HIS TURN SIGNAL PRIOR TO TURNING INTO THE DRIVEWAY. INSPECTION OF THE REAR PASSENGER SIDE LIGHT ASSEMBLY INDICATED BOTH THE BRAKE LIGHT AND TURN SIGNAL WERE LIKELY TO BE ON DURING THE COLLISION.</p> <p>DRIVER #2 ADVISED HE DROPPED HIS CELL PHONE WHILE HE WAS TRAVELING EAST ON 5TH AVE. HE ADVISED HE REACHED DOWN TO PICK UP THE PHONE. WHEN HE LOOKED UP, HE STATED UNIT #1 WAS DIRECTLY IN FRONT OF HIM AND HE HAD NO TIME TO REACT. HE ADVISED HE THEN STRUCK THE REAR OF UNIT #1.</p> <p>DRIVER #1 WAS TRANSPORTED TO MERCY HOSPITAL AND TREATED FOR PAIN TO HIS ARMS AND KNEES. DRIVER #1 WAS RELEASED WITH NO SERIOUS INJURIES. THE TWO INJURED PARTIES FROM UNIT #1 WERE ALSO TRANSPORTED TO MERCY HOSPITAL. PERSON INJURED #1 WAS TREATED FOR STOMACH PAIN. PERSON INJURED #2 WAS TREATED FOR NECK PAIN. BOTH PARTIES WERE RELEASED WITH NO SERIOUS INJURIES.</p> <p>THERE WERE SIX OCCUPANTS IN UNIT #1. THE DRIVER AND WITNESS #2 WERE SITTING IN THE FRONT SEAT. PERSONS INJURED #1 AND #2 WERE SITTING IN THE LEFT REAR SEAT. PERSON</p>											

ORIGINAL

NARRATIVE					
Describe what happened (refer to vehicles by number)					
INJURED #2 WAS SITTING ON PERSON INJURED #2'S LAP. WITNESS #3 WAS SITTING IN THE MIDDLE OF THE REAR SEAT. WITNESS #1 WAS SITTING ON THE RIGHT SIDE OF THE REAR SEAT.					
W I T N E S S	Witness Name - Last		First	Middle	Suffix
	ARAGON		JOHNATHON	A	
	Address		City	State	Zip Code
	13762 FAIRVIEW RD		SPRINGFIELD	NE	68059
	Home Phone #		Work Phone #		
	(712) 329-0481 x				
W I T N E S S	Witness Name - Last		First	Middle	Suffix
	DRIVER		JASON	RAY	
	Address		City	State	Zip Code
	3445 AVE D		COUNCIL BLUFFS	IA	51501
	Home Phone #		Work Phone #		
	(712) 322-0463 x				
W I T N E S S	Witness Name - Last		First	Middle	Suffix
	RENSHAW		TYLER	MICHAEL	
	Address		City	State	Zip Code
	19 S. 17TH ST		COUNCIL BLUFFS	IA	51501
	Home Phone #		Work Phone #		
	(712) 256-0728 x				
Officer		Badge No.	Time Officer Notified of Accident		Time Officer Arrived At Scene
HERNANDEZ MICHAEL S		514	20:24 Hrs.		20:26 Hrs.
Name of Agency		Date of Report	Investigation made at scene? Yes	T.I.#	
Council Bluffs Police Dept		01/15/2008			
Report Reviewed By:		Date Reviewed	Agency Specific	Other Technical Investigation Agency	
WISSLER, DALE M		01/15/2008			

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. _____

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Cheryl L. Way DAY PHONE: 402-350-2157
ADDRESS: 30892 Perry Rd DOB: 8-25-62

DATE & TIME OF LOSS/ACCIDENT: July 24, 2009 9:00 AM
LOCATION OF LOSS/ACCIDENT: North Broadway in front of Tower Elementary
DESCRIPTION OF LOSS/ACCIDENT: The city was painting yellow
strips on the street and when I
drove by it splattered on my
06 Hummer on the drivers side (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ NA

WITNESS(ES) (Name(s), Address(es), Phone No(s)) _____

WAS POLICE REPORT FILED YES ☒ NO ☐

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY: _____

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION: Yellow paint was splattered
on my vehicle on the drivers
side. From workers painting yellow stripes
on the street

LIST INSURANCE PROVIDER AND COVERAGE: _____

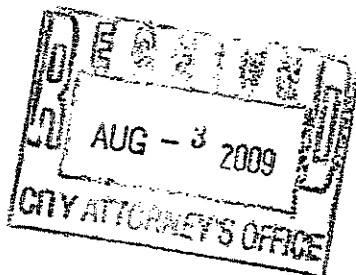
Allied - But you are responsible

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

7-28-09
DATE

Cheryl Way
CLAIMANT'S SIGNATURE



COUNCIL BLUFFS
CITY CLERK
2009 AUG - 3 P 12:40

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. _____

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Benjamin Anthony DAY PHONE: 402.708.6856
ADDRESS: 715 N 116th St #8 Omaha NE 68154 DOB: 02/28/1980

DATE & TIME OF LOSS/ACCIDENT: _____

LOCATION OF LOSS/ACCIDENT: ABOVE ADDRESS; VEHICLE RECOVERED AT AMERISTAR CASINO, COUNCIL BLUFFS

DESCRIPTION OF LOSS/ACCIDENT: ON 7/8/09 our vehicle was stolen and involved in a police chase (OPD) to the Iowa border. The vehicle was recovered at Ameristar. A police hold was placed on after the vehicle was towed to Arrow Towing in Council Bluffs. I was told by the officers I spoke with on 7/9 (USE BACK OF FORM, IF NECESSARY) (-DOVER)

TOTAL DAMAGES CLAIMED: \$ 200.10

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Jennifer McQuinn, 715 N 116th St #8 Omaha, NE 402.660.7462

WAS POLICE REPORT FILED ☒ YES ☐ NO OMAHA CASE # X38377; COUNCIL BLUFFS #0921006

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

N/A

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION: Please contact me with any questions you may have. I am extremely disappointed in how I was treated by all parties involved and feel further victimized by the additional time & money I have had to give just to resume my everyday activities.

LIST INSURANCE PROVIDER AND COVERAGE: Progressive; Liability Only

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

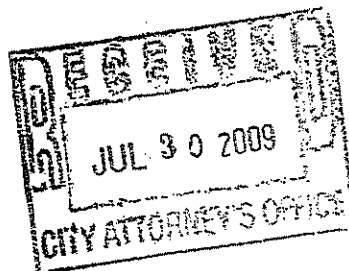
NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

7/28/2009
DATE

[Signature]
CLAIMANT'S SIGNATURE

COUNCIL BLUFFS
CITY CLERK

2009 JUL 30 P 2:06



ARROW TOWING, INC.
24 HOURS
505 South 15th, St.
Ocala, FL 32101
(712) 323-7907

Road Service

DATE <u>7-9</u> TIME <u>2:20</u> A.M. / P.M. REQUESTED BY <u>CPD</u>		P.O. NO. <u>1-31</u>	
NAME		PHONE	
ADDRESS			
CITY		STATE	ZIP
LOCATION OF VEHICLE <u>Arrested CRASH</u>			
YEAR, MAKE, MODEL <u>1994 Honda 2x4</u>		COLOR <u>Green</u>	DRIVER
STATE <u>FL</u>	LIC. PLATE NO. <u>2P2N 339</u>	VEHICLE ID. NO. <u>1J4FT 785526</u>	REGISTERED OWNER <u>FLA</u>
MILEAGE		SERVICE TIME	
FINISH		FINISH <u>X</u>	
START <u>AD Key</u>		START	
TOTAL		TOTAL	
REASON FOR TOW			SPECIAL EQUIPMENT
<input type="checkbox"/> ACCIDENT <input type="checkbox"/> ABANDONED <input type="checkbox"/> FLAT TIRE			<input type="checkbox"/> SINGLE LINE WINCHING
<input type="checkbox"/> ARREST <input type="checkbox"/> STOLEN CAR <input type="checkbox"/> OUT OF GAS			<input type="checkbox"/> DUAL LINE WINCHING
<input type="checkbox"/> UNREGISTERED <input type="checkbox"/> BREAK DOWN <input checked="" type="checkbox"/> IMPOUNDED			<input type="checkbox"/> SNATCH BLOCKS
<input type="checkbox"/> TOW ZONE <input type="checkbox"/> LOCK OUT <input type="checkbox"/>			<input type="checkbox"/> SCOTCH BLOCKS
<input type="checkbox"/> SNOW REMOVAL <input type="checkbox"/> START <input type="checkbox"/>			<input type="checkbox"/> DOLLY
TYPE OF TOW		TOWED PER ORDER OF	
<input type="checkbox"/> SLING/HOIST TOW <input type="checkbox"/> STATE POLICE		<input type="checkbox"/> LOCAL POLICE	
<input type="checkbox"/> FLAT BED/RAMP <input type="checkbox"/> OWNER		<input type="checkbox"/> DEALER	
<input checked="" type="checkbox"/> WHEEL LIFT		VEHICLE TOWED TO	
<input type="checkbox"/>		FIRST TOW <u>Local</u>	
		SECOND TOW	
STORAGE FROM <u>14x12 = days</u>		TOWING CHARGE <u>30.00</u>	
PAID BY <input checked="" type="checkbox"/> CASH <input type="checkbox"/> CHECK DRIVERS LIC. NO.		MILEAGE CHARGE	
<input checked="" type="checkbox"/> CREDIT CARD <input type="checkbox"/> MC <input type="checkbox"/> VISA <input type="checkbox"/> AMEX EXP. DATE		EXTRA PERSON	
CC NO. <u>Card Pick up</u>		SPECIAL EQUIPMENT	
OPERATOR'S SIGNATURE <u>[Signature]</u> DATE <u>7/22/94</u>		LABOR CHARGE	
TRUCK NO.		STORAGE <u>68.00</u>	
AUTHORIZED SIGNATURE <u>[Signature]</u> DATE <u>7/22/94</u>		SUB-TOTAL	
VEHICLE RELEASED TO <u>[Signature]</u> DATE <u>7/22/94</u>		TAX <u>2.00</u>	
		TOTAL <u>200.00</u>	

15729

Not responsible for loss or damage to vehicle in case of fire, theft or any other cause beyond our control.

Thank You
PRODUCT 2525



*******NOTICE OF CLAIM*******

Date: 06-12-2009

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: CITY OF COUNCIL BLUFFS
CITY CLERK
209 PEARL STREET
1ST FLOOR
COUNCIL BLUFFS, IA 51503

CERTIFIED MAIL# 91 7108 2133 3935 8361 7400

RE: Damage to Qwest Property

Qwest Claim Num: 472566
Damage/Discovery Date: 06-10-2009
Damage Location: 3236 NEBRASKA AVENUE, COUNCIL BLUFFS, IA
Damage County:
Damage Amount: UNDETERMINED

COUNCIL BLUFFS
CITY CLERK
2009 JUN 18 P 12:01

Dear Sir/Madam:

Please be advised that Qwest Facilities sustained damage as a result of the negligent acts or omissions by employees or agents of CITY OF COUNCIL BLUFFS .

Investigation has revealed that on or about 06-10-2009 employees or agents of CITY OF COUNCIL BLUFFS , CITY OF COUNCIL BLUFFS PUBLIC WORKS DAMAGED A QWEST 100 PAIR BURIED CABLE WITH A BACKHOE DURING CULVERT EXCAVATION in the area of 3236 NEBRASKA AVENUE, COUNCIL BLUFFS, IA.

REQUEST FOR GOVERNMENTAL NOTICE FORM

If your Governmental Entity requires the completion of its own form to complete proper notice, please forward a copy to the address listed above. Every good faith effort has been made to identify the proper office and address to perfect our notice. Please forward to your attorney, if misdirected, to contact us. Matters herein stated are alleged on information and belief this pleader believes to be true. If there is insurance to cover this matter, kindly advise as to the name of the insurance company, its address and the claim number assigned. If you have any questions, or need additional information, please contact me at 1-800-321-4158 ext 8226.

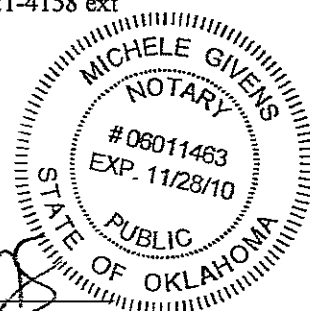
Sincerely,
Wendy Cherry

Wendy Cherry

CMR Claims DEPT

NOTARY

Commission Expires



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- > License
- > Privileges
- > Applicant
- > Status Of Business
- > Ownership
- > Criminal History
- > Premises
- > General Premises
- > Applicant Signature
- > Local Endorse
- > History

Applicant BC0028855, Larosita, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Name of Applicant: La Posita, LLC (Sole Proprietorship, Partnership, Corporation, etc.)
 Name of Business (D/B/A): Larosita
 Address of Premise: 2040 W. Broadway
 Address Line 2:
 City: Council Bluffs
 County: Pottawattamie
 Zip: 51501
 Business Phone: (712) 325-8655 Cell / Home Phone: _____
☐ Same Address
 Mailing Address: 2040 W. Broadway
 Mailing Address Line 2:
 City: Council Bluffs State: Iowa
 Zip: 51501
 Contact Name: Denise DeLeon
 Phone: (402) 706-2481 Email Address: _____

[Prev](#)

[Next](#)

Phone: (855) 469-2223
 FAX: (515) 231-7375

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Renewal
 CITY CLERK'S OFFICE
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 BUILDING [Signature]
 ZONING [Signature]

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------	----------------	--------------	---------------------	-------------------------	--------------

- > Applicant
- > Ownership
- > Criminal History
- > Applicant Signature
- > Local Endorse

Applicant LC0033993, Fox Run Golf Course, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Name of Applicant: Aubier Properties, LLC (Solo Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Fox Run Golf Course

Address of Premise: 3001 Mac Inerney Dr.

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 366-4653

Cell / Home Phone:

☐ Same Address

Mailing Address: 3001 Mac Inerney Dr.

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Jerry Aubier

Phone: (712) 366-4653

Email Address: jaubier@nebraskamed.com

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[Next](#)

Phone: (866) 469-2223
FAX: (515) 281-7375

[Terms of Service](#)
[Privacy Policy](#)

Renewal
CITY CLERK'S OFFICE

POLICE [Signature]
FIRE [Signature]
HEALTH [Signature]
BUILDING [Signature]
ZONING [Signature]

APPLICATION FOR IOWA RETAIL CIGARETTE / TOBACCO PERMIT

For period 7-1-09, 2009 through June 30, 2010

PLEASE TYPE OR PRINT LEGIBLY

Please mail this completed application to your local jurisdiction. If you have questions, call your City Clerk (within city limits) or your County Auditor (outside city limits).

I/We hereby make application for a retail permit to sell cigarettes and tobacco products:

BUSINESS INFORMATION

Name of Business/DBA Goldmine Grill

Location Address (Must Have) 1601 Harry Langdon Blvd.

Mailing Address 1601 Harry Langdon Blvd. City Council Bluffs Zip 51503

Type of Sales: ☐ Vending Machine ☒ Over-the-counter Telephone Number (712) 325-9915

Type of Retail Establishment:

☐ bar ☐ convenience store - with gas ☐ convenience store - no gas ☐ drug store ☐ gas station
☐ grocery ☐ hotel/motel ☐ liquor store ☒ restaurant ☐ tobacco store
☐ other _____

Cigarettes must be sold at the minimum price set by the State of Iowa. Obtain a current copy from the Iowa Department of Revenue Web site at www.state.ia.us/tax or from TaxFax at 1-800-572-3943 (enter form number 71023).

ONLY APPROVED BRANDS OF CIGARETTES OR ROLL-YOUR-OWN PRODUCTS MAY BE SOLD IN IOWA

Any brand not on the list is contraband. In addition, all cigarettes sold in Iowa must have an Iowa Cigarette Tax Stamp affixed to each package. Any violation of contraband or non-Iowa cigarette tax stamped package is subject to seizure and penalties under the provisions of Iowa Code 453A and 453D.

The list of approved brands is always current at <http://www.state.ia.us/tax/business/CigTobIndex.html> and is called IOWA DIRECTORY OF CERTIFIED TOBACCO PRODUCTS MANUFACTURERS — THEIR BRANDS AND BRAND FAMILIES

Go to <http://elists.idrf.state.ia.us/scripts/wa.exe> and sign up for the Cigarette/Tobacco E-list. You will receive an e-mail every time the approved list changes or the minimum price changes.

LEGAL OWNER INFORMATION

Type of Ownership: ☐ Individual ☐ Partnership ☐ Corporation

Legal Owner Goldmine Grill LLC

(Name of Individual, Partnership, Corporation, LLC, or LLP)

Mailing Address 1601 Harry Langdon Blvd.

City Council Bluffs State IA Zip 51503 Ph Number (712) 325-9915

Fax Number () _____ E-mail Address bradnelson 58 @ Yahoo.com

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes and tobacco products.

SIGNATURE OF OWNER, PARTNER(S), OR CORPORATE OFFICIAL

Name (please print): Donette Marksick

Name (please print): _____

Signature: Donette Marksick

Signature: _____

Date 7-17-09

Date _____

FOR OFFICE USE ONLY

Amount Paid _____

Date Issued _____

☐ New

FOR CITY CLERK/COUNTY AUDITOR ONLY

PLEASE SEND COMPLETED COPY TO THE IOWA
9.B. DEPARTMENT OF PUBLIC HEALTH

-131-

APPLICATION FOR IOWA RETAIL CIGARETTE / TOBACCO PERMIT

For period 7-30-09, 2009 through June 30, 2010

PLEASE TYPE OR PRINT LEGIBLY

Please mail this completed application to your local jurisdiction. If you have questions, call your City Clerk (within city limits) or your County Auditor (outside city limits).

I/We hereby make application for a retail permit to sell cigarettes and tobacco products:

BUSINESS INFORMATION

Name of Business/DBA QUARTHOUSE LOUNGE
Location Address (Must Have) 107 PEARL ST. Council Bluffs IA 5
Mailing Address 107 PEARL ST. City Council Bluffs Zip 51503
Type of Sales: ☐ Vending Machine ☒ Over-the-counter Telephone Number (712) 322-9830
Type of Retail Establishment:
☒ bar ☐ convenience store - with gas ☐ convenience store - no gas ☐ drug store ☐ gas station
☐ grocery ☐ hotel/motel ☐ liquor store ☐ restaurant ☐ tobacco store
☐ other _____

Cigarettes must be sold at the minimum price set by the State of Iowa. Obtain a current copy from the Iowa Department of Revenue Web site at www.state.ia.us/tax or from TaxFax at 1-800-572-3943 (enter form number 71023).

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Go to <http://elists.idrf.state.ia.us/scripts/wa.exe> and sign up for the Cigarette/Tobacco E-list.

You will receive an e-mail every time the approved list changes or the minimum price changes.

LEGAL OWNER INFORMATION

Type of Ownership: ☐ Individual ☐ Partnership ☒ Corporation ☐ LLC ☐ LLP

Legal Owner QUARTHOUSE INC.

(Name of Individual, Partnership, Corporation, LLC, or LLP)

Mailing Address 107 PEARL ST.

City Council Bluffs State IA Zip 51503 Ph Number (712) 322-9830

Fax Number () _____ E-mail Address _____

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes and tobacco products.

SIGNATURE OF OWNER, PARTNER(S), OR CORPORATE OFFICIAL

Name (please print): DAVID SINNOTT JR. Name (please print): _____

Signature: [Signature] Signature: _____

Date 7-30-09 Date _____

FOR OFFICE USE ONLY

Amount Paid _____

Date Issued _____ ☐ New

Permit # _____ ☐ Renewal

FOR CITY CLERK/COUNTY AUDITOR ONLY

PLEASE SEND COMPLETED COPY TO THE IOWA

9.B. DEPARTMENT OF PUBLIC HEALTH